



Digitized by the Internet Archive
in 2021 with funding from
University of Toronto

<https://archive.org/details/31761114652001>

Canada. Parliament. Legislative
Assembly.

Debates

DEBATES OF THE LEGISLATIVE
ASSEMBLY OF
UNITED CANADA

Volume IV

Part I

1844-45



DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA
1841-1867

Published under the direction of the
Centre d'Etude du Québec
and the
Centre de recherche en histoire économique du Canada français

General Editor
Elizabeth Gibbs

DEBATES OF THE LEGISLATIVE
ASSEMBLY OF
UNITED CANADA

Volume IV, Part I
1844-45

Edited by
Elizabeth Gibbs

PRESSE DE L'ECOLE DES HAUTES ETUDES COMMERCIALES
5255, avenue Decelles, Montréal 250, Québec

DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA
1841-1867

Published under the direction of the
Centre d'Etude du Québec
and the
Centre de recherche en histoire économique du Canada français

CENTRE D'ETUDE DU QUEBEC
Room 462-11, Sir George Williams University
Montreal 107, Quebec

Director : *Cameron Nish*

Associate Director : *Jean Hamelin*

Research Director : *Elizabeth Gibbs*

Administrative Director : *Ian Campbell*

CENTRE DE RECHERCHE EN HISTOIRE ECONOMIQUE
DU CANADA FRANCAIS
5255, avenue Decelles
Montréal 250, Québec

Directeur : *Pierre Harvey*

Directeur de la recherche : *Cameron Nish*

Research for this volume, as for the previous ones, was substantially supported by Canada Council. The publication of Volume IV, Part I was rendered possible with the help of a grant from the Social Science Research Council of Canada and the Humanities Research Council of Canada, using funds provided by the Canada Council.

INTRODUCTION

The Introduction to the first Volume of this series, DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA, 1841, included a history of parliamentary reporting in Britain, Upper and Lower Canada, and of course Union Canada. Parliamentary reporting was both an institution inextricably bound up with Parliament, and a profession under the patronage of the commercial Press. Its constitutional and practical development was traced, including the influences of the ancestral British system upon its derivative Canadian transplants. In the Chapters dealing specifically with the Canadas, the local conditions which in their turn modified the original British model were discussed in detail. The most important of these were: the bilingualism of the Lower and United Canada Legislatures; the poverty of Canadian editors and the small size of their newspapers; the political biases of parliamentary reporters who also lacked stenographic skills; and poor accommodations and worse acoustics in the House. The result of all this was that on the whole, Canadian parliamentary reporters were limited to providing third person summaries of the speeches. Essentially, parliamentary reporting was a politically-oriented profession which was also an integral part of the world of journalism.

All kinds of data about parliamentary reporting as an institution and as a profession were considered: the policies of its newspaper patrons; its techniques; the skills and foibles of its personnel; and the problems such as accommodation faced by the reporters. The other record of parliamentary proceedings, the official JOURNALS, was also analysed. On the basis of this analysis of reports and JOURNALS, a methodology was elaborated which involved collating the reports and integrating them into the JOURNALS.* The object of that methodology was to produce a verisimilar record of the parliamentary debates and proceedings. Since verbatim reporting was virtually unknown, verisimilitude was the only possible goal. Various problems were anticipated and their solutions incorporated into the methodology. Each methodological step was explained and then implemented, thus producing the Canadian HANSARD.

The theoretical methodology remains unchanged for reconstructing the debates of the years following 1841, with only some changes in practical application. The most important change from one year to the next is the basic source material, the newspapers containing the parliamentary reports. Eighteen newspapers were consulted for the session of 1844-45, the chief characteristics of which are described in the following table.

*In this way the entire text of the JOURNALS is reproduced in the reconstructed HANSARD. Also included are references to Appendices to the JOURNALS, although these Appendices, often volumes long, are not reproduced in this work, nor mentioned in our Index.

Newspaper	Section	District	Language	Political Orientation	Special M.P.'s	Completeness of Paper on Manojlin	Frequency of Distribution	Average Number of Columns Devoted to Assembly per Issue	Completeness of Reports	Accuracy	Person Reported in	Origin of Reports	Amount of Commentary on Assembly and the Council	Coverage Given to Legislative Council
L'AURORA	L.C.	Montreal	French	French Canadian Ministerial	D.B. Vigor, D.B. Papineau	Very	Three times weekly, Tuesday, Thursday, Saturday	3 to 4	Quite good though more in brief sketches	A	Third, special speeches first	Original	A	Occasionally, 1 to 1 column, 4 at end of session
BATHURST COURIER	U.C.	Bathurst	English	Reform	Malcolm Cameron	Very incomplete	Weekly, Thursday	3 to 6	Edited version of assorted newspapers	A	Third	Copied	C	Frequently, 2 to 4 columns
BRITISH COLONIST	U.C.	Toronto	English	Moderate Conservative	-	Very	Twice weekly, Tuesday, Friday	4	Excellent	A	Third	Copied from Montreal newspapers, such as Montreal Herald, and Montreal Gazette	B plus	Frequently, 2 columns
BRITISH WHIG	U.C.	Midland	English	Conservative	-	Very	Twice weekly, Tuesday, Friday	2 to 12	Excellent	A	Third	Copied from Montreal Herald, Montreal Courier, Montreal Gazette, Montreal Herald, and Montreal Times	A	Regularly, 1 to 4 columns
BROOKVILLE RECORDER	U.C.	Johnston, Eastern and Bathurst	English	Reform	Malcolm Cameron	Very	Weekly, Thursday	7 to 11	Good	A	First, third	Copied, especially from Pilot, and Montreal Times	B plus	Very rarely
LE CANADAIEN	L.C.	Quebec	French	French Canadian Ministerial	D.B. Vigor, D.B. Papineau	Very	Three times weekly, Monday, Wednesday, Friday	3	Adequate for Lower Canada	A	First, third	Some original, some copied	B plus	Very rarely
CHATHAM GLEANER	U.C.	Chatham, Western	English	Conservative	Joseph Woods	Very	Weekly, Tuesday	4	Extremely selective and usually edited accounts	A	Third	Edited from Montreal papers	C minus	Rarely
EXAMINER	U.C.	Toronto	English	Reform	-	Very	Weekly, Wednesday	3 to 12	Quite good	A	Third	Edited from Montreal papers, often Conservative, such as the Montreal Gazette	C	Very rarely, beginning and end of session only
GLOBE	U.C.	Toronto	English	Reform	Upper Canada Reform Members	A few issues missing	Weekly, Tuesday	5 to 7	Very good	A	First, third	Original, and also edited from other papers such as Montreal Gazette	A	Rarely
LE JOURNAL DE QUEBEC	L.C.	Quebec	French	French Canadian Reform	French Canadian Reformers, such as Joseph Cauchon, J.B. Gauthier, L.B. LaFontaine, A.N. Morin, and E.P. Taché.	Very	Three times weekly, Tuesday, Thursday, Saturday	3 to 4	Very good for Lower Canada	A	First, third	Some original, some copied from La Minerve, Montreal Herald, and La Presse Canadienne	A	Rarely
KINGSTON CHRONICLE	U.C.	Midland	English	Very moderate Conservative	-	Many issues missing	Twice weekly, Wednesday, Saturday	2 to 3	Very good	A	Third	A few original, most copied from Montreal papers	B minus	Rarely
KINGSTON NEWS	U.C.	Midland	English	Conservative	-	Very	Weekly, Thursday	5 to 6	Very good	A	Third	Edited from other newspapers such as Montreal Herald, Montreal Gazette, Montreal Courier, and the Pilot	B minus	Infrequently
LA MINERVE	L.C.	Montreal	French	Reform	L.B. LaFontaine	Very	Twice weekly, Monday, Thursday	3 to 8	Very good for Lower Canada	A	First, third	Original, sometimes copied	A	Frequently, 1 to 3 columns
MONTREAL GAZETTE	L.C.	Montreal	English	Montreal urban Conservative	Lower Canadian Ministerial supporters	Very	Three times weekly, Tuesday, Thursday, Saturday	7	Excellent	A	Third	Original, often produced in collaboration with Montreal's other Conservative papers such as the Herald, Times, and Courier	A	Regularly, 1 to 7 columns
MONTREAL TRANSCRIPT	L.C.	Montreal	English	Montreal urban Conservative	Lower Canadian Ministerial supporters	A few issues missing	Three times weekly, Wednesday, Thursday, Saturday	2 to 3	Concise but very good reports	A	Third	Some original, some in collaboration with Montreal's Conservative papers such as the Gazette	A	Frequently, 1 to 2 columns
PILOT	L.C.	Montreal	English	Reform	Reformers, especially L.B. LaFontaine and R. Baldwin	Very	Twice weekly, Monday, Friday	4 to 6	Excellent	A	First, third	Original	A	Infrequently, 2 columns
LA REVUE CANADIENNE	L.C.	Montreal	French	Reform	French Canadian Reformers, especially L.B. LaFontaine	Very, commencing 4 Jan. 1845	Weekly, Saturday	1 to 3	Very scanty	A	Third	Original, sometimes copied	C minus	Occasionally, 1 column
ST. CATHARINES JOURNAL	U.C.	Niagara Peninsula	English	Moderate Reform	William Hamilton Merritt	Very	Weekly, Thursday	3 to 4	Edited version of excellent accounts	A	Third	Copied from Montreal Times, Pilot, Hamilton Journal, Non-Local Gazette, and others	B minus	Rarely

The reasons for including such newspapers as the BATHURST COURIER, the BROCKVILLE RECORDER, the CHATHAM GLEANER, the KINGSTON NEWS, and the ST. CATHARINES JOURNAL were explained in detail in the Introduction to Volume 1. Briefly, they printed parliamentary reports collated from various available sources. Thus they provide a check against missing debates from single issues or even entire newspaper runs which have not been preserved.

The technique used to footnote the collated debates does more than identify the sources from which material was drawn. The footnotes also explain any variations in the methodology, and give certain details useful for understanding the debates. There are five main rules for footnotes. 1) The transcribed text of each speaker's words is identified. When alternate texts are presented, the sources for each text are given. When a single speech has been reconstructed from reports in more than one newspaper, the source of each specific portion of the speech is identified. 2) All alternate sources which have been consulted but not selected are noted, except for reports which just copied the JOURNALS. Included in the alternate sources mentioned are those papers whose reports were either copied, edited or paraphrased from another paper, with the original source noted. 3) Commentaries on the debate in question are noted, and in a few cases, are transcribed verbatim. 4) The footnotes include any additional information necessary to explain the methodology adopted in dealing with situations which do not conform to any of the models described. 5) One of this project's fundamental assumptions is that the JOURNALS' account of proceedings was correct though not always complete. However, there are occasional discrepancies between the JOURNALS and the newspaper reports. These discrepancies are always noted. For example, sometimes the names of movers and seconders are different in the newspapers and the JOURNALS. In these cases the names cited by the newspaper are listed in a footnote.

The Appendices to each day's proceedings are entirely supplementary to the JOURNALS. The Appendices contain: 1) notices of proposed motions, petitions and bills; 2) debates on withdrawn motions; and 3) questions and answers. A substantial part of the Appendices consists of notices of motions. Debates on withdrawn motions are more interesting because they appear nowhere in any official record, whereas the measures of which notice was given appear later in the JOURNALS as a normal part of the legislative activity. The third category in the Appendices is for questions and answers. Despite their importance, they were not recorded in the JOURNALS unless incorporated into a formal motion or address. All questions and answers reported in the newspapers are included in the Appendix for the appropriate day.

The technical forms of this volume remain unchanged from those of preceding volumes: 1) The spelling of speakers' names at the opening of each individual speech has been standardized. Changes from the spelling in the newspaper are not noted. The names most commonly misspelled in newspapers are McNab, Macnab, M'Nab instead of MacNab; Johnson instead of Johnston; Colville instead of Colville; and various spellings of

Macdonald and Macdonell. All spelling of names within a speech is left unchanged, however. 2) Whenever a member is reported to have spoken in English or in French, this fact is noted. For example, "Mr. Cauchon (in French)", whether or not there exists a report of the speech in the language of delivery. 3) A system of double pagination is used. The parenthesized page numbers on the left-hand side refer to the page of the JOURNALS while the centred number is our own. 4) Five of the newspapers are referred to in abbreviated form, the PILOT AND JOURNAL OF COMMERCE as the PILOT, the BRITISH WHIG, AND GENERAL ADVERTISER as the BRITISH WHIG, the KINGSTON CHRONICLE AND GAZETTE as the KINGSTON CHRONICLE, the ST. CATHARINES AND PORT ROBINSON JOURNAL as the ST. CATHARINES JOURNAL, and L'AUORE DES CANADAS as L'AUORE. 5) The various parentheses used in the newspapers are represented in our text by (). 6) Double parentheses always contain our own comments, explanatory notes or suggestions. Only the word "sic" is contained within single parentheses. 7) Words such as "exponce", "controul", "surprize", and "tems" which were misspelled as often as not, are reproduced without the word "sic". 8) When for the sake of clarity we must interpolate a word, we stay as close as possible to the usual style of the newspaper. 9) When it is necessary to reconstruct a sentence from excerpts drawn from more than one source, the problem of punctuation becomes acute. The strict application of ellipsis, added to the necessary footnote number, is both unwieldy and difficult to assimilate at first reading. As a result, another means of expressing the ellipsis had to be devised. A simple method was adopted, which is also used in sentences which are not reproduced in full, but are cut off before the end. Appropriate punctuation integrates the various excerpts, replacing the awkward ellipses. This editorially imposed punctuation is indicated by the simple expedient of placing the footnote reference immediately following the text, but before our punctuation. Conversely, whenever a footnote follows punctuation, that punctuation has been reproduced from the text of the newspaper. For example, the sentence "SIR ALLAN MACNAB said that he would go to town....¹ he meant to the town of Three Rivers....² as soon as possible....³" becomes "SIR ALLAN MACNAB said that he would go to town¹, he meant to the town of Three Rivers², as soon as possible³."

The style and methodology are designed in all ways to achieve the goal of a verisimilar account of the debates of the Legislative Assembly. The texts are completely unretouched; even grammatical and spelling errors remain uncorrected. One of the reasons for this decision to sacrifice style to fidelity was that the reader or student can best use his own judgment if he has the original material before him. He can then decide how to use the material: he can reproduce it exactly, or he can edit it and improve upon its style in whatever way he judges most appropriate. The only editing imposed upon the work was never for purposes of literary style, but only to render collated passages less disjointed, truncated and confusing. The criterion was never that a passage was awkwardly phrased, but rather that it was incoherent. For example, even the habitual tense changes were never altered to make them consistent so that not infrequently speakers in one debate are

reported in a different tense. In a fairly typical debate, "Sir Allan MacNab thinks" while "Captain Steele said" and "Mr. Cooke had opposed." The real editing work occurred in the earlier stage of the work, when the passages here reproduced as the reconstructed debates were selected. Therefore all elegancies of language are gratuitous, and such texts were invariably selected for content and not because of the felicity with which they are expressed.

It has been impossible to include the reconstructed debates of the double parliamentary session of 1844-45 in a single volume; two volumes are required to contain its exceptional length. The present volume consists of the debates from the opening day of the session, 28 November 1844, to 6 February 1845, inclusive, followed by a proper name index. The subject index, however, will only be included at the end of the second volume.

This manuscript was typed in its final form by Miss Joan Galbraith, Miss Halina Monkiewicz, and Miss Victoria Cowan. Mrs. Elaine Naves, assisted by Miss Irene Bilas, prepared and typed the very complex subject index which follows the second volume. Mr. George Bayne also assisted in the production of this volume.

EXECUTIVE COUNCILLORS

AND THEIR POSITIONS

SECOND PARLIAMENT - FIRST SESSION

28 November 1844 to 29 March 1845

DALY, Dominick

Member of the Executive Council:	13 Feb. 1841 to 10 Mar. 1848
Provincial Secretary, Canada:	1 Jan. 1844 to 10 Mar. 1848
Member of the Board of Works:	21 Dec. 1841 to 8 June 1846

DRAPER, William Henry

Member of the Executive Council:	12 Dec. 1843 to 28 May 1847
Attorney General, U.C.:	1 Sept. 1844 to 28 May 1847
Member of the Board of Works:	4 Oct. 1844 to 8 June 1846

MORRIS, William

Member of the Executive Council:	2 Sept. 1844 to 10 Mar. 1848
Receiver General:	2 Sept. 1844 to 20 May 1847
Member of the Board of Works:	4 Oct. 1844 to 8 June 1846
Member of the Legislative Council:	9 June 1841 to 29 June 1858

PAPINEAU, Denis Benjamin

Member of the Executive Council:	2 Sept. 1844 to 7 Dec. 1847
Commissioner of Crown Lands:	3 Sept. 1844 to 7 Dec. 1847
Member of the Board of Works:	4 Oct. 1844 to 8 June 1846

ROBINSON, William Benjamin

Member of the Executive Council:	20 Dec. 1844 to 30 Apr. 1845
Inspector General:	20 Dec. 1844 to 30 Apr. 1845

SMITH, James

Member of the Executive Council:	2 Sept. 1844 to 22 Apr. 1847
Attorney General, L.C.:	1 Sept. 1844 to 22 Apr. 1847

VIGER, Denis Benjamin

Member of the Executive Council:	12 Dec. 1843 to 17 June 1846
President of the Executive Council:	12 Dec. 1843 to 17 June 1846

MEMBERS OF THE LEGISLATIVE ASSEMBLY

AND THEIR CONSTITUENCIES

1844-1845

Armstrong, David Morrison.....	Berthier, L.C.
Aylwin, Thomas Cushing.....	Quebec, City, L.C.
Baldwin, Robert.....	York, Fourth Riding, U.C.
Berthelot, Amable.....	Kamouraska, L.C.
Bertrand, Louis.....	Rimouski, L.C.
Boulton, William Henry.....	Toronto, City, U.C.
Bouthillier, Thomas.....	St. Hyacinthe, L.C.
Brooks, Samuel.....	Sherbrooke, County, L.C.
Cameron, Malcolm.....	Lanark, U.C.
Cauchon, Joseph Edouard.....	Montmorency, L.C.
Chabot, Jean.....	Quebec, City, L.C.
Chalmers, George.....	Halton, East Riding, U.C.
Chauveau, Pierre Joseph Olivier.....	Quebec, County, L.C.
Christie, Robert.....	Gaspé, L.C.
Colville, Eden.....	Beauharnois, L.C.
Cummings, James.....	Lincoln, South Riding, U.C.
Daly, Dominick.....	Megantic, L.C.
DeBleury, Charles Clément Sabrevois.....	Montreal, City, L.C.
Desaulniers, François.....	St. Maurice, L.C.
DeWitt, Jacob.....	Leinster, L.C.
Dickson, Walter Hamilton.....	Niagara, Town, U.C.
Draper, William Henry ¹	London, Town, U.C.
Drummond, Lewis Thomas.....	Portneuf, L.C.
Duggan, George R.....	York, Second Riding, U.C.
Dunlop, William.....	Huron, U.C.
Ermatinger, Edward.....	Middlesex, U.C.
Foster, Stephen Sewell.....	Shefford, L.C.
Franchère, Timothée.....	Rouville, L.C.
Gowan, Ogle Robert.....	Leeds, U.C.
Grieve, Edward.....	Three Rivers, Town, L.C.
Guillet, Louis.....	Champlain, L.C.
Hale, Edward.....	Sherbrooke, Town, L.C.
Hall, George Barker.....	Northumberland, South Riding, U.C.
Harrison, Samuel Bealey ²	Kent, U.C.
Jessup, Hamilton Dibble.....	Grenville, U.C.
Jobin, André.....	Montreal, County, L.C.
Johnston, James.....	Carleton, U.C.
Lacoste, Louis.....	Chambly, L.C.
LaFontaine, Louis Hippolyte.....	Terrebonne, L.C.
Lantier, Jacques Philippe.....	Vaudreuil, L.C.
Laterrière, Marc Pascal de Sales ³	Saguenay, L.C.
Laurin, Joseph.....	Lotbinière, L.C.
Lawrason, Lawrence ¹	London, Town, U.C.
LeBoutillier, John.....	Bonaventure, L.C.
LeMoine, Benjamin Henry.....	Huntingdon, L.C.

Leslie, James.....	Verchères, L.C.
Macdonald, John Alexander.....	Kingston, City, U.C.
Macdonald, John Sandfield.....	Glengarry, U.C.
Macdonald, Rolland.....	Cornwall, U.C.
Macdonell, Donald Aeneas.....	Stormont, U.C.
Macdonell, George.....	Dundas, U.C.
MacNab, Allan Napier.....	Hamilton, City, U.C.
McConnell, John.....	Stanstead, L.C.
Merritt, William Hamilton.....	Lincoln, North Riding, U.C.
Méthot, Antoine Prospère.....	Nicolet, L.C.
Meyers, Adam Henry.....	Northumberland, North Riding, U.C.
Moffatt, George.....	Montreal, City, L.C.
Monro, George ⁴	York, Third Riding, U.C.
Morin, Augustin Norbert ³	Bellechasse, L.C.
.....	Saguenay, L.C.
Murney, Edmund.....	Hastings, U.C.
Nelson, Wolfred.....	Richelieu, L.C.
Papineau, Denis Benjamin.....	Ottawa, County, L.C.
Petrie, Archibald.....	Russell, U.C.
Powell, Israel Wood.....	Norfolk, U.C.
Price, James Hervey.....	York, First Riding, U.C.
Prince, John.....	Essex, U.C.
Riddell, Robert.....	Oxford, U.C.
Robinson, William Benjamin.....	Simcoe, U.C.
Roblin, John P.....	Prince Edward, U.C.
Rousseau, Léon.....	Yamaska, L.C.
Scott, William Henry.....	Two Mountains, L.C.
Seymour, Benjamin.....	Lennox and Addington, U.C.
Sherwood, George.....	Brockville, U.C.
Sherwood, Henry.....	Toronto, City, U.C.
Small, James Edward ⁴	York, Third Riding, U.C.
Smith, Harmanus.....	Wentworth, U.C.
Smith, Henry.....	Frontenac, U.C.
Smith, James.....	Missisquoi, L.C.
Stewart, Neil.....	Prescott, U.C.
Stewart, William.....	Bytown, U.C.
Taché, Etienne Paschal.....	L'Islet, L.C.
Taschereau, Pierre Elzéar.....	Dorchester, L.C.
Thompson, David.....	Haldimand, U.C.
Watts, Robert Nugent.....	Drummond, L.C.
Webster, James.....	Halton, West Riding, U.C.
Williams, John Tucker.....	Durham, U.C.
Woods, Joseph ²	Kent, U.C.

1. Lawrason resigned as the member for London on 24 January 1845, and Draper was returned in his place, 13 February 1845.

2. Harrison was appointed Judge of the Surrogate Court 4 January 1845, and subsequently Woods was elected to represent Kent, 7 February 1845.
3. Morin was returned for Saguenay in October 1844, and for Bellechasse 13 December 1844. He resigned the former seat for which Laterrière was returned, 14 January 1845.
4. The election of Small was declared null and void 14 March 1845, and Monro was proclaimed duly elected for York, Third Riding the same day.

THURSDAY, 28 NOVEMBER 1844¹

(1)

On which day, being the first day of the Meeting of this Parliament, for the Despatch of Business,

HIS Excellency the Right Honourable Sir Charles Theophilus Metcalfe, Baronet, Governor General, having by his Proclamation dated the twenty-third day of September last past, Dissolved the last Provincial Parliament, and by his writs of summons, issued under the Great Seal of the Province, bearing teste at the Government House, in the City of Montreal, the said twenty-third day of September last past, called a new Provincial Parliament, and which said writs of summons were returnable on Tuesday the twelfth day of November instant; and having by a subsequent Proclamation, dated the fourth day of November instant, Prorogued the said Provincial Parliament until this day, for the dispatch of business; George Barthélemi Faribault, John Fennings Taylor, the elder, Gustavus William Wicksteed, and William Poyntz Patrick, Esquires, Commissioners appointed by Dedimus Potestatem for administering the oath to the Members of the Legislative Council and Legislative Assembly, came at the hour of eleven o'clock in the forenoon into the room allotted for the sittings of the Assembly, and William Burns Lindsay, Esquire, Clerk of the Legislative Assembly, attending according to his duty; and Félic Fortier, Esquire, Clerk of the Crown in Chancery, having delivered to the said Mr. Lindsay a roll containing a list of the names of such Members as had been returned to serve in this Provincial Parliament, (copy whereof is hereunto annexed,) the Commissioners did administer the oath to the Members who appeared, which being done, and the Members having subscribed the roll containing the oath, they took their seats in the Assembly.

A Message was brought by Frederick Starr Jarvis, Esquire, Gentleman Usher of the Black Rod.

GENTLEMEN,

His Excellency, the Governor General, desires the immediate attendance of the Members of this Honourable House, in the Legislative Council Chamber.

Members attend
His Excellency.

Accordingly the Members went to attend His Excellency, in the Legislative Council Chamber, where being, the Honourable Speaker of the Legislative Council said:

Honourable Gentlemen, and Gentlemen of the Legislative Assembly,

His Excellency, the Governor General, does not see fit to declare the causes of his summoning the present Parliament until a Speaker of the Legislative Assembly shall have been chosen according to law; but after such Speaker shall have been chosen, His Excellency will declare the causes of his calling this Parliament.

And the Members being returned,

Immediately on the Clerk taking his seat COL. PRINCE and the Attorney General for L.C. (MR. ((JAMES)) SMITH) addressed him, claiming his attention.²

Each gentleman was loudly cheered by his friends.³

The Clerk decided that the Attorney General had first caught his eye.⁴

COL. PRINCE immediately gave way.⁵

(1)

Speaker
proposed.

The Honourable Mr. Attorney General Smith, member representing the county of Missisquoi, stood up and addressing himself to the Clerk, (who, standing up pointed to him and then sat down,) proposed to the House for their Speaker, Sir Allan Napier MacNab, in which motion he was seconded by William Henry Scott, Esquire, Member representing the county of Two Mountains.⁶

The Hon. Gentleman ((MR. JAMES SMITH)) hesitated for a moment or two as if about to support his nomination with a speech but he finally sat down without doing so.⁷

(1)

Then John Prince, Esquire, Member representing the county of Essex, stood up, and addressing himself in like manner to the Clerk, proposed to the House, for their Speaker, the Honourable Augustin Norbert Morin, in which motion he was seconded by Robert Christie, Esquire, Member representing the county of Gaspé.

Debates arose.

COLONEL PRINCE said, he was sorry that, upon the present occasion, he could not vote for the motion which had been made, if indeed any motion were before the house; for by one of the Rules of the House, every motion must be put into the hands of the Clerk in writing or it was no motion. However, if the Clerk decided to receive it, he must repeat his regret that he would be unable to vote for it.⁸ ((He)) should take upon himself if permitted, to propose another gentleman to fill the office of Speaker, and preside over their deliberations. The object for which they had assembled, was one of great importance, to select a gentleman of acknowledged ability and experience to preside over the Council of the House. In the individual thus to be selected, three things were in his (Col. Prince's) judgment necessary to qualify him for that important office. First, a thorough knowledge of the English and French languages. That qualification he deemed absolutely necessary, as it would be quite impossible for any gentleman who did not thoroughly understand both languages, properly to discharge the duties which would devolve upon him if selected to fill the Chair. He would fancy the case in which a member of the House, addressing the Speaker in the French language, should make some remark out of order; how was it possible for a gentleman filling the Speaker's Chair,

not conversant with that language, to determine whether the remarks so made were out of order or not. In supposing such a case, he by no means wished to be understood as anticipating that any of his Hon. friends from Lower Canada would be found to disturb the order of the House, for during the three sessions of the United Parliament in which he had the honour of sitting with them, he was proud to say, that they had maintained the proverbially high character of their race, but it was possible that in the heat and excitement of the debate, words might fall from the lips of Hon. Gentlemen not strictly within the rules of Parliamentary debate; and in such a case, what would be the position of a speaker who would be under the necessity of applying to the Clerk or to a Member of the House to ascertain the precise words of the Member offending against the rules of the House. He could not conceive (sic) a more ridiculous - a more degrading position (hear). He had been led to understand that Sir Allan was not versed in the French language, and therefore he deemed him unfit to occupy the Speaker's chair. If he had been misinformed, as a matter of course his objection fell to the ground; but if he had been correctly informed, notwithstanding the Parliamentary experience, ability, and many virtues of Sir Allan, he (Col. Prince) would not be a party to the elevation of the Hon. and gallant Knight to the chair of that Honourable House. The second thing required of a Speaker of the House was, a knowledge of the usages and practice of Parliament. In such knowledge Sir A. McNab was doubtless well versed, and he possessed largely that courtesy of manner, which was essentially necessary to a Speaker, but yet he must revert to his first position, and repeat, that without a thorough knowledge of the French language, Sir Allan was not fit to fill the Chair. He (Col. Prince) was rejoiced that Hon. Gentlemen could come to the decision of the question before them uninfluenced by party motives - he hoped it was not a Government matter - but that Hon. Members would feel a responsibility upon them to select the man best qualified to preside over the deliberations of the House. While he regretted that he could not support the nomination before the House, he had a gentleman in his eye, who was, in his judgment, in every respect qualified for the Speaker's Chair - the Hon. Mr. Morin; and he trusted that Hon. Gentlemen, especially from Lower Canada, would see the propriety of electing him. The people of Lower Canada had been united hitherto - their politics, like their religion, kept them together, and had kept dissension aloof from them; and he should be sorry now to see any of them divide upon the question before the House, and vote against a man who was one of themselves. He would call upon Lower Canadian members to unite in support of the gentleman whom he had now the honor to nominate for the highest office in the gift of the House (ironical cheers). Mr. Morin was a gentleman possessed of extensive and varied knowledge, had enjoyed the advantage of long parliamentary experience, and whose courtesy of manner was unquestioned. Sir Allan McNab, was no doubt qualified in some of these respects, but in his knowledge of French very deficient. He (Col. Prince) would fancy some questions directed by a French Canadian member in the French language to a Speaker of the House, who did not understand correctly the language. He bows politely but assures the Hon. Gentleman

he cannot understand him, and therefore cannot furnish an answer. A more degrading position than that which a Speaker would be placed in he could not conceive, and from such a position he wished to have Sir Allan, for whom he entertained a very high regard, extricated. To have him from that position, he (Col. Prince) would vote against him (ironical cheers). Another reason for proposing Mr. Morin he felt it his duty to state to the House. By whom had he himself been returned? By a large body of high minded and honourable French Canadians - returned in spite of the vilest calumnies ever invented against any candidate for popular representation; and he felt gratified in being able to show his gratitude for the honor done to himself, by proposing as a fit and proper person to preside over the deliberations of the House, a gentleman who was a French Canadian, and in every respect qualified to fill the Speaker's Chair.⁹

MR. CHRISTIE supported the motion, but was inaudible in the gallery.¹⁰

MR. GOWAN then rose and said: I think, Mr. Clerk, you cannot receive this as an original motion. In the first session of the last Parliament Mr. Morin himself laid down a precedent, when he proposed Mr. Cuvillier. I find on the Journal of the House, that A.N. Morin, Esq., proposed that the Hon. Austin Cuvillier do take the Chair. I do not find that any written motion is recorded. If I am right in supposing there was none, then, Sir, the motion of my friend from Essex must be considered only as an amendment.¹¹ If the House felt disposed, he was ready to debate the question. (No, no.)¹²

MR. JOHNSTON. - The hon. and gallant member, Colonel Prince, has made a splendid speech, and has excited some laughter, by his manner of talking of the duties of the Speaker. He says, however, that to fulfil those duties it is necessary that he should speak the French and English languages with fluency, because the Assembly is composed of members from Upper and Lower Canada. I venture to tell that honourable member, that here we have no distinction between Upper and Lower Canada: and that were we to choose no man for our Speaker except he understood the French language, we should confine that office forever to natives of Lower Canada. Sir Allan Macnab presided over the Legislative Assembly in Upper Canada for many years, he gave the utmost satisfaction in fulfilling the duties of the office there - a more dignified Speaker there could not be. But he has other claims upon us: his services to his country are well known, and are of themselves enough to make every loyal-hearted man give him his support; in the time of trouble he put his shoulder to the wheel, and we now wish to give him his reward for it. The hon. and gallant member has said, that Sir Allan does not understand French - I believe he cannot use that language fluently, but I have heard Mr. Morin attempt the English language, and he speaks that with as much embarrassment and diffidence as Sir Allan can do the French. I will ask how Sir Allan can have lived in this country all his life without acquiring some knowledge of the French language?¹³ It was just as likely that he had picked up as much of the language as Col. Prince, who has only been out ten or twelve years.¹⁴ Then again, I think

we owe something to Upper Canada. We Upper Canadians were first brought down the Lake, then down the St. Lawrence to Montreal, and I suppose we shall next be sent to the barren Island of Cape Breton. We therefore, I say, desire it as an act of justice to Upper Canada, that you will choose a Speaker from that part of the Province, a Speaker who will preside over the House with justice and impartiality. Then again, as to Sir Allan not understanding French, I recommend the hon. and gallant Colonel to commence a conversation with him in that language - let him have half an hour's conversation with him over a bottle of champagne.¹⁵

"Order," from MR. AYLWIN.¹⁶

MR. JOHNSTON proceeded: That is what you would not refuse yourself-- (cries of order.) I am not out of order; if I am, I am only replying to the remarks of the hon. and gallant Colonel. I maintain that Sir Allan Macnab is a most fit and proper person to fill that chair. I disclaim any ill feeling towards Mr. Morin, who I believe is a most estimable man, but I cannot vote for him for our Speaker.¹⁷

MR. CHRISTIE said that in seconding the motion made by Col. Prince, he was influenced solely by a desire to secure the services of the most efficient of the two candidates in the Speaker's chair. He did not think that past military services, the peculiar locality from which an Hon. Gentleman came to that House, should have weight with Hon. Members in determining the question before the House. He thought a knowledge of the French language an indispensable qualification in a Speaker, and he did not see how the duties of the office could be properly discharged without it. With respect to the Parliamentary experience of the gentleman who had been named, he believed that Mr. Morin had enjoyed more than Sir Allan McNab. He entertained the highest respect for the Hon. and gallant Knight, but for Mr. Morin's general knowledge, his thorough acquaintance with both languages, and his unexceptionable character; he believed the latter gentleman to be the best qualified to preside in the House, and he (Mr. Christie) would vote accordingly.¹⁸

DR. DUNLOP. - An intimate knowledge of the French language has been said to be a necessary qualification for sitting in that Chair; the fact is, that gentlemen possessing a knowledge of the French language would be preferable, but there are very few men who possess that accurate knowledge, except those who have been born here, or in France, or in some of her colonies. We have all had French drummed into us, when boys, and have been taught enough to read books in that language, but talking French is quite a different matter. I must add my testimony before I sit down, to the goodness of the heart and the courtesy of demeanour which characterise, Mr. Morin: No one has a more exalted idea of them than myself.¹⁹

MR. SCOTT, the seconder of Sir Allan McNab, followed. The Hon. Gentleman spoke in French, with great fluency. In reference to any political

objections which might be urged against Sir Allan, he said that Responsible Government had done away with former distinctions of party.²⁰

Shouts of "hear, hear," from the Opposition benches.²¹

((MR. SCOTT proceeded:)) Those who had been formerly called Tories were now Reformers, and it was therefore useless to attempt to keep up the old party distinctions. He objected to the appointment of Mr. Morin, because that gentleman had joined in a crusade against the Governor General: and it would be most inconsistent were they now to elect him to the Chair. At his (Mr. Scott's) own election, he regretted to say, that the chief objection which had been made to him was that he was not French, but Scotch - that he was not Catholic but Presbyterian: therefore it was evident that such consideration((s)) did have a weight. Yet in respect to himself, there was no one who had made greater sacrifices for the French Canadians than he had done. Returning to Mr. Morin, - he knew that gentleman well, and was of opinion that, in addition to the objections which had been urged, he did not possess sufficient physical strength to discharge the duties of the office. For these reasons therefore, he had made his mind up to vote against him.²²

MR. ERMATINGER said - I shall state as shortly as I can my reasons for supporting Sir Allan Macnab. I shall not dwell upon the arguments which have been already (sic) discussed by the previous speakers; but I wish to call the attention of the house to the fact, that Sir Allan Macnab was unanimously elected to the Speakership of the last Upper Canadian House of Assembly, which had been called, and had met under somewhat similar circumstances with those under which we are now assembled, and I have never heard any person assert, nor have I seen in the public prints any assertion to the effect that he did not fulfil his duties to the universal satisfaction of the house and the country.²³

The honourable gentleman was corrected in this statement, as Sir Allan only succeeded Mr. M'Lean.²⁴

I ((MR. ERMATINGER)) had not the pleasure of being acquainted with Mr. Morin, but from all I have heard of him I believe him to be a gentleman of the most estimable character. We are, however, met to choose a Speaker who will occasionally have to decide between our two parties; if a fit person unconnected with either party could have been found, I should perhaps have voted for him. The only argument, I am happy to say, against Sir Allan, is that he does not understand the French language: you have, however, heard from another gentleman that he does understand it, but if he does not, I dare say there is an officer of the House to explain it to him. For myself, I have lived long among the French Canadians, I love the people, and have every partiality for the French language; but I do not consider that in the Parliament of a British Province, the Speaker should be required to understand French. I consider this Assembly should be

British in fact as well as in name.²⁵

M. CHAUVEAU dit que quoique l'un des membres les plus jeunes, peut être même le plus jeune, il doit se hâter de parler tandis que la présidence est occupée par une personne capable de comprendre sa langue maternelle à lui (M. Chauveau). J'ai entendu, ajoute-t-il, avec peine quelques remarques qui ont été faite (sic) par des honorables membres vis-à-vis moi. Je ne croyais pas que l'on donnerait pour argument en faveur de sir Allan McNab, le fait très insignifiant de sa résidence dans une partie de la province plutôt que dans l'autre. Si ces messieurs avaient quelqu'un parmi eux assez versé dans la langue française pour lui avec plaisir abstraction faite de son origine et même de ses opinions. Mais je suis surpris que ceux qui veulent maintenir l'union des provinces, nous parlent ici de Haut-Canada et de Bas-Canada. Il n'y a quant à présent qu'un seul Canada: le Canada-Uni. On a prétendu qu'en choisissant M. Morin nous déclarions la guerre au gouverneur. Je ne voudrais déclarer à personne; mais en choisissant pour présider cette chambre quelqu'un qui ne comprend pas la langue Française vous ne déclarez pas la guerre à un homme seulement; vous le déclarez à la langue et aux institutions de la moitié du pays. Je suis certain que pas un des jeunes Canadiens-Français qui sont ici ne sanctionneront par leur vote la proscription de la langue de leurs ancêtres, mais leur est-il réservé de voir un viellard (sic) Canadien-Français, voter contr'eux dans cette occasion?²⁶

MR. ((ROLLAND)) MACDONALD, ... I am happy to see, notwithstanding the array of talent upon the other side, that only one reason can be urged against the election of Sir Allan Macnab, that he does not understand the French language, if this be a good reason the sooner we rescind one of our rules the better. I am not much acquainted with those rules, but I read them over last night, and I find one, the 38th, which, if we are always to elect a man who can speak French, we ought to strike out. It provides, "that every motion shall be read by the Speaker in the French and English, if he be able to do so; if not, then he shall read it in whichever language he may be most familiar with, and the Clerk shall read it in the other." This rule was evidently made, in order to allow of a man sitting in that chair, who may have the misfortune (for I call it a misfortune) to be unacquainted with the French language. There is here nothing of that proscription, that an hon. member has talked of, all are alike here, and that there should be none, and that ignorance of either language should not be a bar to the honour of the Speakership, this rule has been passed. But if the knowledge of French be, as is asserted, indispensable, and if Sir Allan do not speak that language, yet in this railroad age, when a man can be taught to write in six lessons, surely he can learn. But I wish you to take another matter into your consideration. I wish to ask, what will be thought of us at home? Will it be believed, in England, that the country has sustained Sir Charles Metcalfe, if we send Mr. Morin to the chair directly in his teeth: but if we make Sir Allan Macnab our president, they will know that we desire to give the Governor our support.²⁷

Ironical cheers from the opposition.²⁸

((MR. R. MACDONALD stated)) "We want to keep up our credit at home that England may endorse another loan for us."²⁹

Peals of laughter and ironical cheers from the opposition.³⁰

MR. CAUCHON spoke nearly to the following effect. I ask, said he, whether justice to the French Canadian people, does not require that the gentleman placed in that chair should have a knowledge of the language which they speak. As to requiring any exclusion of men of other origins, they neither wish for, nor aim at it. They desire to know nothing of Scotchmen, nothing of Presbyterians or Episcopalians, as such. In Quebec, they have elected a gentleman of English origin, and of the Protestant faith; this shows that they desire no proscription of Englishmen or of the English language; but they want a man whose acquirements (sic) make him able to render justice to all, a man in whose principles we can confide, and then we desire to hear nothing of his country or his religion.³¹

MR. SCOTT said, that what he had stated referred only to what had occurred to himself. He hoped it was an exception to the general feeling of the French Canadians; but he must say for himself, that he had made every sacrifice for the French Canadian people, and the French Canadian cause, in times past, and had met with nothing in return but the blackest ingratitude.³²

The cries of "question, question," "divide, divide," became general through the House³³.

(1)

And the question being called for, "That Sir Allan Napier MacNab be Speaker of this House,"

The House divided, and the names of the Members were taken down as followeth:

YEAS.

Boulton, Brooks, Chalmers, Colville, Cummings, Daly, De Bleury, Dickson, Duggar, Dunlop, Ermatinger, Foster, Gowan, Greive, Hale, Hall, Jessup, Johnston, Larrason, Macdonald of CORNWALL, Macdonald of KINGSTON, Macdonald of DUNDAS, M'Connell, Meyers, Moffatt, Murney, Papineau, Petrie, Riddell, Scott, Seymour, Sherwood of BROCKVILLE, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Stewart of BYTOWN, Stewart of PRESCOTT, Webster, and Williams.--(39.)

(2)

NAYS.

Armstrong, Aylwin, Baldwin, Berthelot, Bertrand, Boutillier, Cauchon,

Chabot, Chauveau, Christie, Desaulnier, De Witt, Drummond, Franchère, Guillet, Jobin, Lacoste, LaFontaine, Lantier, Laurin, LeMoine, Leslie, Macdonald of GLENGARRY, MacDonell of STORMONT, Méthot, Nelson, Powell, Price, Prince, Roblin, Roussau, Small, Smith of WENTWORTH, Taché, Taschereau, and Thompson.--(36)

Speaker chosen.

And there being a majority for the affirmative, and the Clerk having declared Sir Allan Napier MacNab duly elected, he was conducted to the chair by the Honourable Mr. Attorney General Smith and Mr. Scott, where, standing on the upper step, he returned his humble acknowledgments to the House for the great honour they had been pleased to confer upon him by choosing him to be their Speaker;

SIR ALLAN MACNAB ... felt it difficult to express all he felt, selected, as he had just been, by the representatives of the people of his native country to fill the highest office in their gift. He could not regard that selection as having been made upon any merits of his own, but as an approval of his conduct on various occasions during the fourteen years that he had enjoyed the honor of a seat in Parliament. As Speaker of the House, he should feel it his duty on all occasions to protect its privileges: he should know no party: and he trusted that in the discharge of his duty he would meet with the support of all. He trusted that if any unfriendly feelings were entertained against him, or had been engendered during the debate, they would be forgotten, and that he should receive that assurance and support which would enable him as Speaker to discharge his duty to the House. He again expressed himself grateful for the high honor which had been conferred upon him, and took his seat amid the cheers of the House.³⁴

(2)

and thereupon he sat down in the chair, and then the mace (which before lay under the table) was laid upon the table.

MR. AYLWIN then rose and said - Sir, I observed that certain marks of approbation were given from the gallery before me, when the votes were declared by Clerk. You are quite aware Sir, that I have the right to order the galleries to be cleared, and I make this statement for the purpose of acquainting those persons with the fact, who may have occasion to attend here during the session. If I see any manifestation of feeling upon any of the votes given here, or upon any thing that may be said or done in this House, I shall exercise that right, and I am sure, that you will fulfil your duties by supporting the rules of the House.³⁵

The Attorney General (East,) ((MR. JAMES SMITH)) said that the Governor General had directed him to inform the Speaker, that he would meet them on Friday, at three o'clock.³⁶

(2)

Then the Honourable Mr. Attorney General Smith, addressing himself to Mr. Speaker elect, moved, seconded by Mr. Duggan, that the House do adjourn until to-morrow at half-past two in the afternoon,

And the House accordingly adjourned until to-morrow at half-past two o'clock in the afternoon.

FOOTNOTES - 28 NOVEMBER 1844.

1. The PILOT, 29 November 1844, noted that "A great many ladies were also present. The chamber is fitted up with great taste, and afforded much more accommodation within the bar than the one at Toronto." The BRITISH COLONIST, 6 December 1844, reported: "The papers informed us, that, on the first day of the Session, - the 28th, - The Judges were accommodated with seats within the bar of the House; and on the right of the Throne. - Those present were the Honourable Chief Justice Vallieres, the Honourable Judges Rolland, Gale, Day and McCord. Many ladies were also in the House, whose appearance must have given strangers a high opinion of the beauty and fashion of the new metropolis." See also BRITISH WHIG, 3 December 1844, citing MONTREAL HERALD and MONTREAL COURIER.
2. PILOT, 29 November 1844.
3. IBID.
4. IBID.
5. IBID.
6. This debate was reported by: EXAMINER, 11 December 1844; BROCKVILLE RECORDER, 5 December 1844; PILOT, 29 November 1844; MONTREAL TRANSCRIPT, 30 November 1844; and MONTREAL GAZETTE, 30 November 1844, in identical accounts copied from the MONTREAL COURIER; LA MINERVE, 2 December 1844, most of whose speeches appear to have been translated from the MONTREAL COURIER or from reports copied from the COURIER; EXAMINER, 4 December 1844, and BRITISH COLONIST, 3 December 1844, copied from the MONTREAL HERALD EXTRA; LE CANADIEN, 2 December 1844, translated from the MONTREAL HERALD EXTRA; LE JOURNAL DE QUEBEC, 5 December 1844, reporting two speeches, those of Chauveau and Cauchon, the first copied from LA MINERVE, the second translated from the PILOT, 29 November 1844; and BRITISH WHIG, 3 December 1844, copied from MONTREAL HERALD and MONTREAL COURIER. The PILOT, 29 November 1844, also contains a commentary on the debate.
7. PILOT, 29 November 1844.
8. BRITISH COLONIST, 30 November 1844.
9. MONTREAL TRANSCRIPT, 30 November 1844.
10. BROCKVILLE RECORDER, 5 December 1844.
11. BRITISH COLONIST, 3 December 1844.
12. BROCKVILLE RECORDER, 5 December 1844.
13. BRITISH COLONIST, 3 December 1844.
14. BROCKVILLE RECORDER, 5 December 1844.
15. BRITISH COLONIST, 3 December 1844.
16. BROCKVILLE RECORDER, 5 December 1844.
17. BRITISH COLONIST, 3 December 1844.
18. MONTREAL TRANSCRIPT, 30 November 1844.
19. BRITISH COLONIST, 3 December 1844. The MONTREAL TRANSCRIPT, 30 November 1844, reported that: "Mr. Aylwin, whose conduct was that of a merry-andrew throughout the whole debate, attempted to interrupt the Doctor by cries of "order," early in his remarks. He was met by the dry remark "I wish people won'na pick me up before I fa'."
20. MONTREAL TRANSCRIPT, 30 November 1844.
21. IBID.
22. IBID.

23. BRITISH COLONIST, 3 December 1844.
24. IBID.
25. IBID.
26. LA MINERVE, 2 December 1844. The MINERVE's account of Chauveau's speech is the only one which is longer and more detailed than those in the other papers whose accounts are identical to that in the MONTREAL COURIER, and therefore there is some evidence that it is more than a mere translation.
27. BRITISH COLONIST, 3 December 1844. The PILOT, 29 November 1844, noted that: "Mr. Rolland M'Donald delivered his maiden speech." The MONTREAL TRANSCRIPT and the PILOT both identified the speaker as Rolland Macdonald. However, the BRITISH COLONIST misidentified him as "Mr. McDonald, of Dundas -".
28. PILOT, 29 November 1844.
29. IBID.
30. IBID.
31. BRITISH COLONIST, 3 December 1844. According to the MONTREAL TRANSCRIPT, 30 November 1844, Cauchon spoke in French. Nevertheless, the COLONIST's report is by far the longest and most detailed of all.
32. BRITISH COLONIST, 3 December 1844.
33. MONTREAL TRANSCRIPT, 30 November 1844.
34. IBID. The EXAMINER, 11 December 1844, noted that: "He appeared a good deal affected, even to tears."
35. BRITISH COLONIST, 3 December 1844.
36. IBID.

FRIDAY, 29 NOVEMBER 1844.

Half-past two O'clock, P. M.

(2)

THE House being met, and Mr. Speaker having taken the chair,

A Message was brought by Frederick Starr Jarvis, Esquire, Gentleman Usher of the Black Rod.

MR. SPEAKER,

House attend
His Excellency.

His Excellency, the Governor General, desires the immediate attendance of this Honourable House in the Legislative Council Chamber.

Accordingly Mr. Speaker, with the House, went to the Legislative Council Chamber,

And there Mr. Speaker spoke to the following effect, viz.:

MAY IT PLEASE YOUR EXCELLENCY,

In the exercise of their undoubted right and privilege, the Legislative Assembly have proceeded to the election of a Speaker, and I have the honour to state that their choice has fallen on me.

If in the performance of the important duties of my station, I should at any time fall into error, I trust that the fault will be imputed not to the Assembly, whose servant I have the honour to be, but to me, and that they may be properly empowered to discharge their duty to Her Majesty and their country, I do, in their name and on their behalf, lay claim, by humble petition, to all their undoubted rights and privileges, especially that they may have freedom of speech in their debates; access to Your Excellency's person at all reasonable times, and that their proceedings may receive from Your Excellency the most favourable interpretation.

Then the Honourable Speaker of the Legislative Council said:

MR. SPEAKER,

I am commanded, by His Excellency the Governor General, to declare to you that he freely confides in the duty and attachment of the Assembly to Her Majesty's person and Government, and not doubting that their proceedings will be conducted with wisdom, temper and prudence, he grants, and upon all occasions will recognize and allow all their constitutional privileges.

I am commanded also to assure you that the Assembly shall have ready

access to His Excellency upon all seasonable occasions, and that their proceedings as well as your words and actions will constantly receive from him the most favourable construction.

The House being returned,

Mr. Speaker reported that the Assembly had been in the Legislative Council Chamber, and that he had informed His Excellency that the choice of Speaker had fallen upon him, and also that he had, in their name and on their behalf, by humble petition to His Excellency, laid claim to all their rights and privileges; that they may enjoy freedom of speech in their debates and have access to His Excellency's person as occasion shall require, and that all their proceedings may receive from His Excellency the most favourable construction; to which His Excellency had been pleased to say that he readily and willingly granted and allowed them all their constitutional privileges, as well as ready access to His Excellency on all seasonable occasions, and that their proceedings as well as their words and actions will constantly receive from him the most favourable construction.

Ordered, That the Honourable Mr. Attorney General Smith have leave to bring in a bill to provide for the administration of the oath of office to persons appointed to be justices of the peace.

He accordingly presented the said bill to the House, and the same was received and read for the first time.

Mr. Speaker then reported that when the House did attend His Excellency, the Governor General, this day in the Legislative Council Chamber, His Excellency was pleased to make a speech to both Houses of the Provincial Parliament, of which Mr. Speaker said he had, to prevent mistakes, obtained a copy, which he read to the House, and it is as followeth:

Speech at
opening of
Session.

Honourable Gentlemen of the Legislative Council,
and Gentlemen of the House of Assembly.

I have assembled you at the earliest period that the completion of the recent General Election would allow, and I have high satisfaction in meeting you, in order that we may devote ourselves to the care of the great interests committed to our charge.

The season of the year being unfavourable for the prosecution of those avocations in which many of you are engaged, you will be enabled I trust with less inconvenience, to attend to the discharge of the important functions which you have to perform.

I have the happiness to announce to you that the birth of a Prince has gladdened the hearts of the subjects of our gracious Queen throughout Her

vast dominions in every quarter of the globe, and Her Majesty's continued safety and health demand our gratitude to the Almighty Giver of all Good.

Many subjects in which the welfare of the Province is deeply involved, will be entitled to your earnest consideration. None can be more important than the improvement of the education of the people, which is one of the most urgent duties of the State; and I anxiously hope that in addition to such other amendments of existing Laws on this momentous question as may be required in either section of the Province, your wisdom may be able to devise some arrangement respecting the University of King's College, that may receive the sanction of the Crown, and give general satisfaction in the Colony.

(3)

The Municipal Institutions of the Province, the provisions for which, have, in Lower Canada, proved, to a great extent, nugatory, will, no doubt, engage your attention, as well as the state of the Prisons and the want of Lunatic Asylums: The amelioration of the means of communication throughout the Province, on which its prosperity mainly depends,-- for production is unavailing if means do not exist of reaching Market,-- also deserves consideration. The Eastern Townships of Lower Canada are peculiarly destitute in this particular; and the Town of Kingston in Upper Canada, which has unavoidably suffered much by the removal of the Seat of Government, is devoid of a Road through the Inland Territory, towards the Ottawa, which is essential for the prosperity of that neighbourhood.

The Militia Law of Lower Canada having expired, the substitution of another seems to be requisite, and it may be desirable at the same time to revise the existing Militia Law of Upper Canada, and to frame a General Law for both Sections of the Province.

It affords me great pleasure to be able to inform you that the flourishing state of the Revenue forms a fit subject for congratulation. There is reason to believe that it may be further improved by wise Legislation; and that judicious economy may contribute to the same result.

Her Majesty has most graciously received the Address from the Legislative Assembly of the last Parliament on the subject of the Civil List.

Although the only objects sought by the Imperial Legislature in making provision for a Civil List were to give stability and security to the great Civil Institutions of the Province; to provide for the adequate remuneration of able and efficient Officers in the various Public Departments; and to enable Her Majesty to make moderate provision for the declining years of those whose best days had been devoted to a faithful discharge of public duties, or who by eminent services, might have merited the favour of the Crown; Her Majesty is nevertheless fully

persuaded of the concurrence of Her faithful subjects in Canada in effecting these objects; and would gladly owe the means of attaining them to the spontaneous liberality of Her Canadian People. Whenever therefore due and adequate provision shall have been made for them by the Legislature of Canada, Her Majesty will be prepared to recommend to the Imperial Parliament the Repeal of so much of the Act of Union as relates to this subject. Until the Imperial Parliament shall have assented to such a recommendation, Her Majesty equally with all Her Subjects, is bound by the provisions of an Enactment to which Her sanction has been given.

Gentlemen of the House of Assembly.

The financial accounts of the Province for 1843 will be immediately laid before you, and those for 1844 as soon as they can be prepared after the completion of the year. The Estimates likewise will be submitted to you at an early period.

Notwithstanding the unavoidable expenses attendant on the removal of the Seat of Government from Kingston to Montreal, and other claims to be submitted for your consideration, a considerable surplus Revenue will remain, affording the means of making some provision towards the liquidation of the public debt.

I entertain no doubt of your willingness to provide for the exigencies of the Public Service, and you may rely on my exertions to diminish expenditure by all practicable economy. I have availed myself of several opportunities for retrenchment that have presented themselves, and shall continue to pursue the same course whenever reduction may appear to be consistent with efficiency.

Honourable Gentlemen, and Gentlemen of the House of Assembly:

You will, I am sure, concur with me in desiring that the welfare of United Canada may be promoted by our joint labours. To that great end I invite your earnest efforts, and you may be assured of my hearty co-operation in every measure that may be calculated to secure peace and prosperity, justice and happiness to this Province.

The charge entrusted to me by our Sovereign I shall continue to administer according to the acknowledged principles of our Provincial Constitution, and with a view to the wants and wishes of the community.

On the occurrence of vacancies in several of the most important offices of administration, I immediately endeavoured to fill them by the appointment of Gentlemen, supposed to possess the confidence of the People. Extraordinary obstacles produced a delay in the accomplishment of that purpose, notwithstanding my incessant exertions to effect it.

*Confidently believing that the several branches of the Legislature, in the full exercise of their constitutional powers, will maintain the harmony essential to the well being of the people, for whose benefit alone these powers are conferred, I will not detain you from the important duties which await you, further than to express my humble hope that the Almighty may bless our endeavours and render them efficacious for the public good.*¹

MR. AYLWIN exclaimed - En Français, Monsieur, s'il vous plait.²

A number of French members started to their feet, exclaiming - "En Français, en Français."³

MR. AYLWIN joining the chorus, saying in French - "In French, Mr. Speaker, I cannot speak one word of English."⁴

In reply, the Speaker ((SIR ALLAN MACNAB)) said such was not the custom and that there was no rule of the House to that effect⁵.

After a most awkward pause of a few minutes, MR. ATTORNEY GENERAL ((JAMES)) SMITH leant over to the Speaker, and urged him to make the second clerk read the document in French⁶.

The speech was handed to the clerk, who translated it⁷.

During the whole of the time occupied in reading the Speech, Mr. Aylwin continued seated with his hands crossed upon his breast; the rest of the members standing. MR. JOHNSTON called to order the hon. member he saw opposite, (pointing to Mr. Aylwin.) Loud cries of "order," upon which Mr. Johnston forbore his interruption, until the Speech was read.⁸

(3)

On motion of Mr. Smith of Frontenac, seconded by the Honourable Mr. De Bleury,

Postage. *Ordered, That the Clerk do charge to the contingencies of the House the postage on all letters not exceeding one ounce in weight and on printed papers to and from Members of this House during the present Session, provided that when petitions to this House are enclosed the postage thereon shall be charged without restriction as to weight.*⁹

MR. HALE. - Sir I am sorry I must oppose this motion; and I do so upon account of the expense it will entail upon the Province. The expenditure during the last session amounted to about one hundred dollars a day, a great part of which I believe to have been quite unnecessary. I think that those letters ought to be free which are addressed to members, because the greater part of those letters come to them on business connected with their parliamentary duties, from whom

they are absent; and it seems very just that the country should sustain those expences. But when I consider the large population of this city, the extensive acquaintance that many of us have with its inhabitants, and the great number of applications that will be made for franks, when I consider these things, Sir, I fear that our \$100 a day will have to be very much increased. I think it my duty to make these remarks, although I fear I shall not have much support from the House - indeed I am sorry to say, I have not been able to get any one to second an amendment upon the subject.¹⁰

MR. AYLWIN. - Where is the motion?¹¹

MR. HALE. - Will you second it?¹²

MR. AYLWIN. - No, no.¹³

MR. JOHNSTON objected to Mr. Smith's motion, on the score of the enormous expense to which the country was put, by postage, and stated, that the late Attorney General, West, who, no doubt, would vouch for the truth of what he said, had received a package from Newfoundland during the last Session.¹⁴

Here he was interrupted, by cries of "Order" from MR. AYLWIN.¹⁵

MR. JOHNSTON. - I should like to know Mr. Speaker, why I am called to order, I do not wish to be out of order, and I believe I am not.¹⁶ The hon. member is more frequently out of order; cries of "order!"¹⁷

MR. AYLWIN. - I called the Hon. Gentleman to order, Mr. Speaker, because there is no motion before the House.¹⁸

The Speaker ((SIR ALLAN MACNAB)) - You are mistaken, Sir.¹⁹

MR. AYLWIN. - I should like to hear it read.²⁰

The Speaker ((SIR ALLAN MACNAB)) then read the motion, which was handed to him by Mr. Smith.²¹

MR. JOHNSTON. - Now I hope that will satisfy the hon. member that it is he who is out of order. My ears were not closed, if his were, to the business that was going forward in the House. I hope I shall not be out of order, I do not intend to be, nor am I desirous of opposing any thing except that I am compelled by principle to oppose. In Kingston, last session, there were certain parcels come free, under a motion similar to this, the expences of which amounted to £5 each.²² Mr. Baldwin had received a parcel from Newfoundland, on which the postage amounted to £3 or £4; but from that hon. member's well known desire to put the country to no unnecessary (sic) expences; he was sure that he (Mr. Baldwin) had sent it back rather than countenance such extravagance²³.

Here the hon. gentleman ... ((was)) interrupted by some ironical cries of hear, hear, in a very loud tone from MR. AYLWIN²⁴.

((MR. JOHNSTON)) turned towards that gentleman and said, the hon. member opposite has made a good beginning by interrupting ... peaceable ending. However, sir, I have only to add, that if people do not choose to take the trouble to put their representatives in possession of their various wants and their business, before they come here, then they ought to have to pay their own postage; at least, the limitation as to weight ought to be observed.²⁵

A member said the limitation was removed in favour of petitions only.²⁶

MR. JOHNSTON. Oh, if it be in favor of petitions I have nothing more to say.²⁷

MR. PRICE. - I hope that members who are so anxious to economize the public funds, will endeavor not to waste the public time by their lengthy speeches, they should recollect that the time of the House is much more costly than a little postage money.²⁸

THE ATTORNEY GENERAL, EAST, ((MR. JAMES SMITH)) said, that this motion was precisely the same as the one moved last session by the hon. member of Sherbrooke.²⁹

The motion was agreed to without a division.³⁰

(3)

Petitions
brought up.

The following petitions were severally brought up and laid on the table.

By Mr. Christie--The Petition of Charles Cunningham and others, members of the Gaspé Fishery and Coal Mining Company.

By the Honourable Mr. Baldwin--The Petition of William Notman, of Dundas, Alexander Anderson, and Simeon Morrill, of the Town of London, in the District of London; the Petition of William Notman, of Dundas, in the Gore District; and the Petition of the Honourable Francis Hincks, of the City of Montreal.

By the Honourable Mr. Aylwin--The Petition of Alexis Dorval, and others, licensed cullers of Quebec; the Petition of John P. Waterson, and others, licensed deal cullers, of the City of Quebec; and the Petition of Joseph Donegani, of the City of Montreal, merchant.

By Mr. Price--The Petition of the Municipal Council of the Home District.

By Mr. Prince--The Petition of James Durand, Esquire, of Dundas, in the County of Halton, in the Gore District.

By Mr. Boulton--The Petition of Robert Harrison, and others, electors of the third Riding of York.

By Mr. Gowan--The Petition of the Municipal Council of the District of Johnstown.

By Mr. Scott--The Petition of the Reverend J. Paquin, and others, of the Parish of St. Eustache.

By Mr. Lantier--The Petition of Saveuse De Beaujeau, of Coteau du Lac.

By Mr. Hale--The Petition of A. T. Galt, and others, of the Town of Sherbrooke.

By Mr. Powell--The Petition of the Reverend Francois Evans, and others, inhabitants of Simcoe, District of Talbot; the Petition of the Municipal Council of the District of Talbot; the Petition of William M. Wilson, and others, inhabitants of the Township of Woodhouse, in the District of Talbot; and the Petition of Flint L. Keyes, of Simcoe, District of Talbot, M. D.

(4)

By the Honourable Mr. Moffatt--The Petition of John Bonner, and William Petry, of Quebec, merchants.

On motion of the Honourable Mr. Attorney General Smith, seconded by the Honourable Mr. Solicitor General Sherwood,

Speech. Ordered, That the Speech of His Excellency, the Governor General, this day delivered to both Houses of the Provincial Legislature, be taken into consideration on Monday next.³¹

MR. LAFONTAINE remarked that it was always the custom to bring forward the address immediately after the Governor General had delivered his speech, and in making the motion it appeared to him that the Hon. Gentlemen on the Treasury Benches were departing from British practice, which should be their constant guide.³²

MR. SCOTT, addressed a few words to the ATTORNEY GENERAL, he thought the House ought to be put into possession of the course intended to be adopted by Ministers upon that occasion, it was usual for a draft of the intended address to be put into the hands of members, before they were called upon to vote on the subject.³³

MR. ATTORNEY GENERAL ((J. SMITH)). - I am not aware that it is established usage, for the Ministry to be prepared with a draft of their intended reply to the Speech of the Governor General, on the day of its delivery. It is true, this was done at the opening of the last Session, but I believe if they have the means necessary that it should be done. I

have no wish however to keep the House in the dark, and have only to say that I shall be prepared with the draft on Monday, and will place it in the hands of the members as early as possible.³⁴ If the House was not ready to consider the Address ((on Monday)), he would consent to an adjournment till Tuesday.³⁵

MR. SCOTT was only anxious that the House should be made acquainted with the nature of the proposed address, before the debate took place.³⁶

MR. AYLWIN - Sir, as we have heard that we are to have Responsible Government, it becomes the duty of every member to do his best to carry out the principles of responsibility. Responsibility is the principle of the British Government, and we should endeavour to follow British precedents and British practice, and be British in deed as in name. On the first day of the last Parliament I was anxious as a Minister of the Crown, that the members in opposition should know at once the course we intended to pursue, and had a draft of our intended address put into their hands. That was in accordance with the English custom in the British Parliament. The instant the address is concluded, a proposal is made by the Ministry to respond to what has fallen from the Throne. I will not accuse the Ministry, on this occasion of any neglect, but I must express my hope, that upon the first day of the next Session, the Ministry will be prepared to carry out British usage; that they will have their answer and their mover and seconder, all cut and dry, and be ready to proceed immediately. The Attorney General has told us that he will have his answer ready by Monday: but that answer must be printed and published, and we, on this side of the House, must have that answer communicated to us; if known it will be communicated. The Attorney General is a lover of fair play, and he will get fair play in return.³⁷

Hear! hear! from the ministerial benches.³⁸

Att'y General ((MR. J. SMITH)) - Oh! of course.³⁹

((MR. AYLWIN continued:-)) There is another point in the Attorney General's speech, to which I wish to advert. The hon. and learned member said he was seconded by the Solicitor General: now, Sir, I am Solicitor General still. I still hold Her Majesty's commission, although I don't ask you for any pay. - I sha'nt do that, - but my commission has never been cancelled, and therefore, I wish to know what Solicitor General it is who is the seconder of this motion.⁴⁰

MR. ((JAMES SMITH,)) ATTORNEY GENERAL, EAST; Solicitor General Sherwood is named in the motion.⁴¹

MR. BALDWIN - In the last session of this Parliament, members were certainly put in possession of the proper answer to the speech, immediately after its delivery. But I believe my friend who has just sat down, is not quite correct in the statement he has made of the practice of the British Parliament. I believe the consideration of the speech is not quite so

instantaneous after its delivery, as he supposes. I think, that the House is usually adjourned, for a couple of hours, in order to give time for the gentlemen in opposition to consider the answer proposed to be given, and to determine whether it be adviseable (sic) to move an amendment to it. There are occasionally cases in which the consideration of the address is postponed for a longer period; of course the postponement is never refused to (sic) the application of any part of the House.⁴²

((MR.)) SOL. GEN. ((HENRY)) SHERWOOD remembered distinctly that Mr. Baldwin had at the beginning of last Session, demanded a delay of a day, this was a similar case.⁴³ If my friend opposite fancies himself Solicitor General, I hope, at least, he will not oppose her Majesty's Ministers, while he has the honor to hold her commission.⁴⁴

Laughter of an ironical kind from MR. AYLWIN.⁴⁵

MR. JOHNSON moved that a committee of six be appointed to superintend the printing of the House. The printing had been attended with very heavy expenses, and the sooner means were taken to prevent large numbers of useless copies being produced the better it would be for the country.⁴⁶

This motion was not seconded, and the subject dropped.⁴⁷

(4)

On motion of Mr. Prince, seconded by Mr. M'Donell, of Stormont,

Ordered, That five hundred copies of the said Speech be printed in each of the English and French languages, for the use of the Members of this House.

Then, on motion of the Honourable Mr. Attorney General Smith, seconded by the Honourable Mr. Solicitor General Sherwood,

The House adjourned until Monday next.

APPENDIX, 29 NOVEMBER 1844.

((NOTICE OF PROPOSED MOTIONS.))⁴⁸

MR. WILLIAMS - ((gave notice of a motion)) for appointment of a committee to inquire in what way certain offensive words were introduced into the amendments of the Legislative Council, last session, to the Religious Societies Lands Bill.⁴⁹

MR. SOLICITOR GENERAL ((HENRY)) SHERWOOD gave notice that at an early day he would bring in a Bill for the better relief of persons claiming Lands in Upper Canada, for which a patent has ((been)) issued, as respecting the original nominees of the Crown.⁵⁰

MR. JOHNSTON gave notice that on Monday next he would introduce a bill excluding persons from the office of District Treasurers who are engaged in any other business.⁵¹

MR. AYLWIN would also ask for information on Monday respecting the manner in which the St. Maurice Forges were held and at the same time would request copies of all documents concerning the lease of those lands, in the possession of the Government.⁵²

MR. ((HENRY)) SMITH, of Frontenac, gave notice that he would ask leave to bring in a bill imposing a duty on importations of agricultural produce into the Province, and hoped the Government would take a question of so much importance into their most serious consideration.⁵³

MR. GOWAN moved for leave to bring in a bill fixing rates of remuneration for jurors attending court in that part of the Province of Canada, formerly Upper Canada.⁵⁴

MR. PRICE gave notice that on Monday next he would put the question to the Administration, whether Her Majesty's Government intend introducing a Bill this session relative to the Home District Macadamized Roads.⁵⁵

((Notice was given)) by MR. CHRISTIE, of the following bills: - For protection of the Gaspé Fisheries - for relief of certain settlers in Gaspé District - for repeal of the District Council Ordinance, so far as respects Gaspé - for the more expeditious and economical printing of the laws - for the relief of persons having demands on the Executive Government - for regulating fees on marriage licenses, and the payment thereof into the Provincial chest - for relief of poor seamen - for the better registering of titles to property.⁵⁶

FOOTNOTES - 29 NOVEMBER 1844.

1. The debate on the speech from the Throne was reported in: CHATHAM GLEANER, 10 December 1844; GLOBE, 10 December 1844; BRITISH COLONIST, 6 December 1844; BROCKVILLE RECORDER, 5 December 1844; PILOT, 2 December 1844; and LA MINERVE, 2 December 1844.
2. GLOBE, 10 December 1844.
3. IBID.
4. IBID.
5. BROCKVILLE RECORDER, 5 December 1844.
6. GLOBE, 10 December 1844.
7. BROCKVILLE RECORDER, 5 December 1844.
8. CHATHAM GLEANER, 10 December 1844.
9. The debate on this motion was reported by: MONTREAL TRANSCRIPT, 30 November 1844; GLOBE, 10 December 1844; in identical accounts in ST. CATHARINES JOURNAL, 12 December 1844, MONTREAL GAZETTE, 30 November 1844, and BRITISH COLONIST, 6 December 1844; BROCKVILLE RECORDER, 5 December 1844; and PILOT, 2 December 1844.
10. BRITISH WHIG, 3 December 1844.
11. BROCKVILLE RECORDER, 5 December 1844.
12. IBID.
13. IBID.
14. IBID. The BRITISH COLONIST, 6 December 1844, noted that Johnston referred to members receiving parcels "the postage on which amounted to between £4 and £5."
15. BROCKVILLE RECORDER, 5 December 1844.
16. IBID.
17. BRITISH WHIG, 3 December 1844.
18. BROCKVILLE RECORDER, 5 December 1844.
19. IBID.
20. IBID.
21. BRITISH WHIG, 3 December 1844.
22. IBID.
23. BROCKVILLE RECORDER, 5 December 1844.
24. BRITISH WHIG, 3 December 1844.
25. IBID. Ellipses represent lines missing in the newspaper.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. PILOT, 2 December 1844.
31. The debate following this was reported by: PILOT, 2 December 1844; GLOBE, 10 December 1844; LA MINERVE, 2 December 1844; CHATHAM GLEANER, 10 December 1844; BROCKVILLE RECORDER, 5 December 1844; and in identical reports, ST. CATHARINES JOURNAL, 12 December 1844, BRITISH COLONIST, 6 December 1844, and MONTREAL GAZETTE, 30 November 1844. Probably the MONTREAL GAZETTE was the original source of these reports. However, it is not very legible and so when selections are taken from that account, the BRITISH COLONIST is used.

32. BROCKVILLE RECORDER, 5 December 1844, which noted: "From the low tone of voice in which the Hon. Member spoke, we regret that we are unable to give more than the purport of his discourse."
33. BRITISH WHIG, 3 December 1844.
34. GLOBE, 10 December 1844.
35. BRITISH COLONIST, 6 December 1844.
36. BRITISH WHIG, 3 December 1844.
37. GLOBE, 10 December 1844.
38. IBID.
39. BROCKVILLE RECORDER, 5 December 1844.
40. GLOBE, 10 December 1844.
41. BRITISH WHIG, 3 December 1844. However GLOBE, 10 December 1844, reports that it was the Speaker who made this remark.
42. GLOBE, 10 December 1844.
43. BROCKVILLE RECORDER, 5 December 1844.
44. GLOBE, 10 December 1844.
45. BRITISH WHIG, 3 December 1844.
46. IBID.
47. IBID.
48. These notices were reported in: ST. CATHARINES JOURNAL, 12 December 1844; LE CANADIEN, 2 December 1844; LE JOURNAL DE QUEBEC, 3 December 1844. BROCKVILLE RECORDER, 5 December 1844; GLOBE, 10 December 1844; PILOT, 2 December 1844; and in identical accounts in MONTREAL GAZETTE, 30 November 1844, and BRITISH COLONIST, 6 December 1844. See footnote 31 regarding use of BRITISH COLONIST rather than MONTREAL GAZETTE.
49. BRITISH COLONIST, 6 December 1844. There is a commentary on this in the PILOT, 2 December 1844.
50. GLOBE, 10 December 1844.
51. IBID.
52. BROCKVILLE RECORDER, 5 December 1844.
53. IBID.
54. IBID.
55. GLOBE, 10 December 1844.
56. BRITISH COLONIST, 6 December 1844.

MONDAY, 2 DECEMBER 1844.

(4)

Malcolm Cameron, Esquire, Member for the County of Lanark; William B. Robinson, Esquire, Member for the County of Simcoe, and Robert Nugent Watts, Esquire, Member for the County of Drummond, having previously taken the oath, according to law, and separately subscribed, before the Commissioners, the Roll containing the same, severally took their seats in the House.

Petitions
brought up.

The following Petitions were severally brought up and laid on the table:--

By Mr. Leslie--The Petition of J.B. Allard, and others, inhabitants of the Parish of St. Matthieu de Beloeil.

By Mr. Jobin--The Petition of M.F. Valois, and others, inhabitants of Lachine and other Parishes; the Petition of the Reverend Antoine Duran-saux, and others, inhabitants of Montreal and its vicinity; and the Petition of the Honourable Gabriel Roy, and others, inhabitants of the Côte St. Laurent, in the Parish of St. Laurent.

By Mr. Cauchon--The Petition of the Reverend Antoine Gosselin, and others, of La Sainte Famille, and other Parishes in the Island of Orléans.

By the Honourable Mr. Solicitor General Sherwood--The Petition of Samuel Wood, and others, electors of the north Riding of the County of Lincoln, District of Niagara.

By Mr. Hale--The Petition of John Yule, junior, Esquire, of the Parish of Chambly; the Petition of C.P. Elkins, Clerk of the Circuit Court for Stanstead, relating to a salary; and the Petition of C.P. Elkins, Clerk of the Circuit Court for Stanstead, relating to certain disbursements.

By Mr. Dunlop--The Petition of the District Council of the District of Huron.

By Mr. Gowan--The Petition of the Municipal Council of the District of Johnstown (relating to the township of Escott;) and the Petition of the Municipal Council of the District of Johnstown (relating to roads.)

By Mr. Taché--The Petition of Magloise Tétu, of the Parish of Saint Thomas; and the Petition of A. La Rue and others, of the parish of Cap Saint Ignace, in the county of L'Islet.

By Mr. Masdonald of Cornwall--The Petition of Prince Tobey, of the town of Cornwall.

By the Honourable Mr. Aylwin--The Petition of Lady Stuart and other ladies, the committee of the Quebec Infant School; the Petition of Mrs. Percy Primrose and other ladies, the committee of the Charles street Infant School, Quebec; the Petition of Mrs. M. H. Mountain and other

ladies, managers of the Male Orphan Asylum of Quebec; and the Petition of John Teed, of the city of Quebec.

By Mr. Seymour--The Petition of the Municipal Council of the Midland District.

By Mr. Macdonald of Kingston--The Petition of Henry Smith, Esquire, Warden and Principal Superintendent of the Provincial Penitentiary of Canada.

By Mr. Chabot--The Petition of Charles Hébert, of the city of Quebec; the Petition of the Honourable William Walker and others, President, Vice Presidents and Directors of the Quebec Library Association; the Petition of the President and Managers of the Charitable Association of the Roman Catholic ladies of Quebec; the Petition of Thomas Harniez and others, batteau-men, in the port of Quebec; and the Petition of the Reverend P. Huot and others, of the parish of Ste. Foye.

By Mr. Brooks--The Petition of the Reverend James Robertson and others, of the township of Ascott and vicinity.

By Mr. Prince--The Petition of P. H. Morin and others, inhabitants of the town and township of Sandwich.

Petitions read.

Pursuant to the order of the day, the following petitions were read:

Of Charles Cunningham and others, members of the Gaspé Fishery and Coal Mining Company, praying for the passing of an act to confirm an act passed by the Imperial Parliament relating to the said Company.

Of William Notman, of Dundas, Alexander Anderson and Simeon Morrill, of the town of London in the district of London, setting forth:

Middlesex con-
tested election.

That at the last election of a Member to serve in Parliament for the County of Middlesex, in the said London District, which came on the fourteenth day of October last, the said William Notman one of your petitioners, and Edward Ermatinger of St. Thomas, in the London District, Esquire, were Candidates, and that at the said election John Wilson of the town of London, in the said District, Esquire, was the Returning Officer of the said County of Middlesex.

That at the said election a considerable majority of legal voters voted in favour of the said William Notman, but the several Deputy Returning Officers for the several and respective townships comprising the said county of Middlesex, appointed by the said John Wilson, Esquire, the said Returning Officer admitting a great number of illegal votes to be put on the poll in favor of the said Edward Ermatinger, a colourable majority appeared on casting up the poll in favour of the said Edward Ermatinger.

That the Deputy Returning Officer for the Township of Malahide, in the said County, in adding up the column of votes recorded in favor of the said

Edward Ermatinger, has made an error of two too many against the said William Notman and in favour of the said Edward Ermatinger, and that your petitioners believe, that similar mistakes have occurred in other Townships prejudicial to the said William Notman.

That many persons duly qualified to vote appeared at several of the polling places in the said County, and tendered their votes in favour of the said William Notman, which were improperly and contrary to law refused by the Deputy Returning Officers.

(5)

That the said Returning Officer, according to the aforesaid colourable majority, declared the said Edward Ermatinger duly elected, and by an Indenture returned the said Edward Ermatinger as duly elected, whereas the said William Notman having the majority of legal votes in his favour ought to have been returned as duly elected, and which said Indenture (with the precept and return) has been lodged in the office of the Clerk of the Crown in Chancery or other proper officer.

Your petitioners further state that there was irregularity and misconduct in many of the proceedings during the said election of which your petitioners complain, and which are set forth in the protest of your petitioners, against the return of the said Edward Ermatinger.

The said election for the said county of Middlesex, was held in the town of London, which is incorporated and not in the County as the law directs: and further that the several Deputy Returning Officers and the Poll Clerks have not been sworn according to law at the respective and proper times and places as directed by the Statute in that behalf, and that the several Poll Books have not been properly sworn to before delivery to the Returning Officer.

Your petitioners therefore humbly pray that the return so made of the said Edward Ermatinger, Esquire, be taken off the file of returns in the office of the said Clerk of the Crown in Chancery or such other officer as may have the custody of the same, or that the same may be amended by rasing out the name of the said Edward Ermatinger, Esquire, and inserting the name of the said William Notman, one of your petitioners, instead thereof; or that your petitioners may have such further relief as the nature of their case requires and deserves.

Petition of
Wm. Notman.

Of William Notman, of Dundas, in the Gore District, setting forth:

That at the last Election of a Member to serve in Parliament for the County of Middlesex, in the London District, which came on the fourteenth day of October last, your petitioner and Edward Ermatinger of St. Thomas, in the London District, Esquire, were Candidates, and that at the said Election, John Wilson, of the Town of London in the said District, Esquire, was the Returning Officer of the said County of Middlesex.

That at the said Election a considerable majority of legal voters, voted in favour of your Petitioner, but the several Deputy Returning Officers for the several and respective Townships, comprising the said County of Middlesex, appointed by the said John Wilson, Esquire, the said Returning

Officer, admitting a great number of illegal votes to be put on the poll in favour of the said Edward Ermatinger, a colourable majority appeared on casting up the poll in favour of the said Edward Ermatinger.

That the Deputy Returning Officer for the Township of Malahide, in the said County, in the adding up of the column of votes recorded in favour of the said Edward Ermatinger, has made an error of two too many against your Petitioner, and in favour of the said Edward Ermatinger; and that your petitioner believes that similar mistakes have occurred in other Townships prejudicial to your petitioner.

That many persons duly qualified to vote, appeared at several of the polling places in the said County, and tendered their votes in favour of your petitioner, which were improperly and contrary to law refused by the Deputy Returning Officers.

That the said Returning Officer according to the aforesaid colourable majority, declared the said Edward Ermatinger duly elected, and by an Indenture returned the said Edward Ermatinger as duly elected; whereas your petitioner having the majority of legal votes in his favour ought to have been returned as duly elected, and which said Indenture (with the precept and return) has been lodged in the office of the Clerk of the Crown in Chancery or other proper officer.

Your petitioner further states that there was irregularity and misconduct in many of the proceedings during the said Election, of which your petitioner complains, and which are set forth in the protest of your petitioner against the return of the said Edward Ermatinger.

The said Election for the said County of Middlesex was held in the Town of London which is incorporated, and not in the County as the law directs, and further that the several Deputy Returning Officers and the poll Clerks have not been sworn according to law at the respective and proper times and places, as directed by the Statute in that behalf, and that the several Poll Books have not been properly sworn to before delivery to the Returning Officer.

Your petitioner therefore humbly prays that the return so made of the said Edward Ermatinger, Esquire, be taken off the file of returns in the office of the said Clerk of the Crown in Chancery, or such other Officer as may have the custody of the same, or that the same may be amended by rasing out the name of the said Edward Ermatinger, Esquire, and inserting the name of your petitioner instead thereof, or that your petitioner may have such further relief as the nature of his case requires and deserves.

Of the Honourable Francis Hincks, of the City of Montreal, setting forth:

Oxford, contes-
ted Election.

That at the last election for the County of Oxford, Robert Riddell, Esquire, of Zorra, in the said County, and your petitioner, were the only Candidates, and that William Merigold, Esquire, was Returning Officer; that a Poll having been demanded, the polling took place according to law in the several Townships, and the result of such poll as shewn by the Poll

Books having been 742 votes for the said Robert Riddell, Esquire, and 722 votes for your petitioner, the Returning Officer declared the said Robert Riddell, Esquire, duly elected.

That at the said Election the Deputy Returning Officer for the Township of Norwich, and also other Deputy Returning Officers, refused to admit the votes of individuals who had come into this Province from the United States of America previous to the year 1820, although such persons are, by an act of the Parliament of Upper Canada, entitled to all the privileges of British subjects, provided they take the Oath of Allegiance to Her Majesty, which the said Deputy Returning Officer for Norwich as well as other Deputy Returning Officers refused to administer, although required to do so by law.

That other individuals entitled by law to vote, were illegally refused that privilege by the Deputy Returning Officer.

That a number of votes were polled and given in favour of the said Robert Riddell, Esquire, by persons who had not legal votes.

That by the admission of persons to vote at said election who had no right to do so, and by the disfranchisement of a number of Electors duly qualified according to law, the said Robert Riddell, Esquire, obtained a colourable majority of twenty votes, and was therefore returned to serve in your Honourable House for the said County of Oxford, although in fact a majority of the bona fide electors of the said County voted and tendered to vote in favour of your petitioner.

Your petitioner therefore humbly prays that your Honourable House will take this petition into your consideration, and declare the return of the said Robert Riddell, Esquire, to be illegal and void, and that your petitioner may be declared duly elected and may be substituted in the place of the said Robert Riddell, Esquire, to take his seat as Knight to represent the said County in the present Parliament, or that your Honourable House will grant such future relief in the premises as to its wisdom may seem meet.

Of Alexis Dorval and others, licensed Cullers of Quebec, praying for certain amendments to the Act 7 Victoria, cap. 25, to regulate the Inspection and Measurement of Timber.

Of John P. Waterson and others, licensed Deal Cullers of the City of Quebec, praying for a certain amendment to the Act 7 Victoria cap. 25, to regulate the Inspection and Measurement of Timber.

Of Joseph Donegani of the City of Montreal, Merchant, praying for Legislative confirmation of the Provincial Act of Lower Canada, 1st William

(6)

4, cap. 53, respecting Aliens, and that the petitioner's title to certain property, as well as that of others similarly situated, may be quieted.

Of the Municipal Council of the Home District, praying for certain amendments to the District Council and School Acts.

Of James Durand, Esquire, of Dundas, in the County of Halton, in the Gore District, setting forth,

West Riding of
Halton, contes-
ted Election.

That at the last Election of a Member to serve in the Provincial Parliament for the west Riding of the County of Halton, in Upper Canada, held at Guelph, in the said west Riding of the County of Halton, on Saturday the twenty-sixth day of October, eighteen hundred and forty-four, Alexander Dingwall Fordyce, Esquire, was the Returning Officer, and your petitioner and James Webster, of Fergus, in the said County, Esquire, were the Candidates.

That the said Alexander Dingwall Fordyce was at the time of his appointment as such Returning Officer, and still is a partner, in trade and business with the said James Webster, and had been and was an active friend and supporter of the said James Webster, as well before as after such appointment, and was the first person who polled his vote for the said James Webster on the opening of the poll in the Township of Nichol.

That upon the said Candidates being duly proposed and seconded, a division taking place, the said Returning Officer pronounced such division to be in favour of the said James Webster, whereupon a poll was duly demanded by and on behalf of your petitioner, which the said Returning Officer granted, and thereupon appointed Friday, the first of November then next, as the day for taking such poll, and forthwith by Proclamation gave notice that the polls of such Election would be taken in the several Townships of the said Riding, at the place in each of such Townships respectively, where at the then last Town meetings for the election of Parish and Township Officers for such Townships had been respectively held, and thereupon according to law adjourned the further proceedings in such Election, to Tuesday, the fifth day of November then next.

That for the purpose of taking the polls for such Election, the said Returning Officer appointed the following persons to be Deputy Returning Officers and Poll-Clerks for the different Townships in the said Riding respectively, that is to say:--

First--Thomas Sandilands, Deputy Returning Officer, and Alfred Baker, Poll-Clerk, for the Township of Guelph.

Second--William Ellis, Deputy Returning Officer, and John Herle, Poll-Clerk, for the Township of Waterloo.

Third--William Puddicombe, Deputy Returning Officer, and John Ernest, Poll-Clerk, for the Township of Wilmot.

Fourth--John Higginson, Deputy Returning Officer, and John Hammersly, Poll-Clerk, for the Township of Puslinch.

Fifth--Charles Allan, Deputy Returning Officer, and John Foote, Poll-Clerk, for the Township of Woolwich.

Sixth--William Buist, Deputy Returning Officer, and James McQueen, Poll-Clerk, for the Township of Nichol.

Seventh--Alexander D. Ferrier, Deputy Returning Officer, and John Moore, Poll-Clerk, for the Township of Eramosa.

Eighth--William Mutch, Deputy Returning Officer, and Warden W. Shane, Poll-Clerk for the Township of Garrafraxa, and

Ninth--David Buchan, Deputy Returning Officer, and Donald McKeand, Poll-Clerk, for the Township of Dumfries.

That the said Deputy Returning Officers, and Poll-Clerks were all generally known to be opposed to the election of your petitioner, and that some of them canvassed against him your said petitioner, and that the said Alfred Baker, William Puddicombe, John Higginson, John Hammersly, William Buist, James McQueen, William Mutch, and Warden W. Shane, subsequently voted for the said James Webster.

That neither the said Returning Officer, nor any of the said Deputy Returning Officers, gave any public, printed, or written notice of the time and place of taking such polls, in the different Townships respectively, or any other notice thereof, except that given by the said Returning Officer on the said first day of the said election as hereinbefore stated.

That several of the said Deputy Returning Officers acted partially and unjustly in favour of the said James Webster, and many of them illegally and contrary to their duty as Deputy Returning Officers in taking the said polls.

That the said Deputy Returning Officers, in the course and progress of the polls taken by them respectively, did admit a great number of persons to vote at the said election, for the said James Webster, who had no legal right whatever to vote at the said election, and did also admit divers persons having a right to vote, and who tendered their votes at the said election for your Petitioner, whereby and by the other unlawful means hereinafter mentioned, the said James Webster obtained a small colourable majority of eight votes, as declared by the said Returning Officer, over your Petitioner, upon the aggregate poll taken at the said election: that the said Returning Officer refused to permit your Petitioner to inspect the Poll Books returned to him by the said Deputy Returning Officers, in order to ascertain in what respect such books differed from the check books kept by your Petitioner's own Check Clerks, according to which check books, the said colourable majority for the said James Webster appeared to be only four instead of eight, as stated by the said Returning Officer.

That in consequence of such unjust, partial and illegal conduct, divers persons, electors entitled to vote at the said election, did in a written document, or protest, tendered to the said Returning Officer, on the said adjournment day of the said election, before he had pronounced the said James Webster to be elected, protested against and objected to the return of the said James Webster, notwithstanding which the said Returning Officer, not only proceeded to declare and return the said James Webster as duly elected, but wholly refused to receive the said written protest, or to permit the same to be publicly read, asserting that the said Riding had expressed itself.

That among the other unjust, partial and illegal conduct of the said Deputy Returning Officers, your petitioner would here particularly refer to the following particulars, that is to say:

First--That several of the said Deputy Returning Officers allowed divers women, in all to the number of seven on the aggregate poll, to vote for the said James Webster.

Second--That some one or more of the said Deputy Returning Officers refused to permit divers persons (some of whom had, and some had not any right to vote at such election, and who tendered and polled their votes at such election, for the said James Webster,) to be examined respecting the right by which they claimed to vote at the said election, notwithstanding your petitioner and his agents and divers other freeholders of the said Riding having a right to vote at such election, did strenuously object to the votes of such persons, and did request such Deputy Returning Officers to examine into the rights of such persons to vote at the said Election, and not to permit such persons to vote without their first shewing a right so to do.

Third--That several of the said Deputy Returning Officers received on the Poll the votes of divers persons without administering to them the oaths prescribed by law, although such Deputy Returning Officers were at the time duly requested so to do by and on behalf of your petitioner, and by divers others freeholders of the said Riding, having a right to vote at such Election, then present.

Fourth--That several of the said Deputy Returning Officers refused to receive the votes of divers voters of the said Riding, naturalized subjects of Her Majesty, who tendered and offered to vote for your petitioner, and who produced Letters Patent for the freeholds in right of which they claimed

(7)

to vote at the said election, and certificates of their having taken the Oath of Allegiance in due form of law.

Fifth--That several of the said Deputy Returning Officers refused to receive the votes of divers voters of the said Riding, naturalized subjects of Her Majesty, who tendered and offered to vote for your Petitioner, on the ground that such voters did not produce certificates of their having taken the Oath of Allegiance pursuant to the naturalization laws of Upper Canada, although such voters were ready and willing, and then and there offered to prove by their own oath or affirmation the fact of such naturalization, and to take all and every other the oaths or affirmations prescribed by law to be taken by voters at such Election.

Sixth--That several of the said Deputy Returning Officers refused to receive the votes of divers voters of such Riding, naturalized subjects of Her Majesty, who tendered and offered to vote for your Petitioner, and who had been resident in Upper Canada previous to the year eighteen hundred and twenty, and still continued to reside in Upper Canada at the time of the passing of the naturalization act of the 9th Geo. 4th., Cap. 21, and who were ready and willing, and offered to such Deputy Returning Officers to take the Oath or Affirmation of Allegiance before such Deputy Returning Officers, who, notwithstanding, wholly refused to administer such Oath to such voters or to record their votes on the said Poll.

Seventh--That several of the said Deputy Returning Officers allowed persons in the interest of the said James Webster unnecessarily and vexatiously, to occupy an unreasonable length of time in useless and trifling enquiries, arguments and discussions, obviously for no other purpose than that of consuming as much as possible of the time prescribed by law for taking such Polls, and thus as far as possible prevent the voters of the said Riding entitled to vote at such Polls from having an opportunity of polling their votes thereat, insomuch that at one of the said Polls only twenty-seven votes were polled the first day, although there were a large number of voters ready to poll their votes thereat, numbers of whom were unable to poll their votes at all in consequence of such unnecessary and vexatious consumption of time as aforesaid.

Eighth--That several of the said Deputy Returning Officers evidently for the like purpose, illegally and vexatiously permitted and required divers illegal and unnecessary oaths to be administered to voters in the interest of your Petitioner.

Ninth--That several of the said Deputy Returning Officers refused to permit voters in the interest of the said James Webster to be questioned either by themselves, the said Deputy Returning Officers, or by the authorized agents of your petitioner, as to their titles, or as to the conveyances of the freeholds in respect of which they claimed the right to vote at such Election, or whether such conveyances were registered in due time, or whether they had had the same for the time prescribed by law in order to entitle them to vote at such Election, although such Deputy Returning Officers were duly required to have such questions put to such voters.

Tenth--Several of the said Deputy Returning Officers allowed divers persons to vote for the said James Webster, although such persons acknowledged to such Deputy Returning Officers that they had no conveyances for the land in right of which they claimed to vote at such Election.

Eleventh--That one of the said Deputy Returning Officers, that is to say, the said William Ellis, the Deputy Returning Officer for the said township of Waterloo, in which Township there are a great number of voters, refused to keep open the Poll a sufficient time on the first day of such Poll to enable the electors entitled to vote at such Poll, a reasonable opportunity of polling their votes at such Election, although requested and urged so to do by your Petitioner and divers others, electors of the said Riding.

Twelfth--And that another of the said Deputy Returning Officers, that is to say, the said William Mutch, the Deputy Returning Officer for the said Township of Garrafraxa, allowed divers persons, to the number of six or more, who had no freeholds in the said Riding, to vote for the said James Webster, upon freeholds held or alleged to be held by them in the Township of Amaranth, which does not lie within the Electoral bounds or limits of the said West Riding of the County of Halton.

That the said James Webster, by the aforesaid unlawful means, did

obtain an apparent and colourable majority of votes over your Petitioner on the aggregate Poll taken at the said Election for the said West Riding of the said County of Halton, and by the undue and illegal conduct and partiality of the said Returning Officer and Deputy Returning Officers as aforesaid, at the said Election, did procure himself to be, and was returned to this present Provincial Parliament as a Member to serve therein for the said West Riding of the said County of Halton, whereas your Petitioner alleges and humbly, insists, that he had a majority of legal votes at the said Election, and ought to have been returned a Member to serve in the present Parliament for the said Riding, and that it ought now to be declared that your said Petitioner was duly elected and ought to have been returned as such Member.

Your Petitioner therefore humbly prays that your Honourable House will take the premises into consideration, and declare the said Election and return of the said James Webster wholly null and void, and that your Petitioner was duly elected and ought to have been returned to serve in the present Provincial Parliament for the said West Riding of the said County of Halton, or that your Honourable House will afford your petitioner such other and further remedy in the premises, and take such other measures for vindicating the franchise of the real Electors of the said Riding as to your Honourable House may seem meet.

Contested Elec-
tion, 3rd Riding
of York.

Of Robert Harrison and others, Electors of the
Third Riding of York, setting forth:

That at the late General Election, the Honourable James Edward Small, and George Munro, Esquires, were the Candidates for the said Riding.

That no declaration of qualification whatever was made by the said James Edward Small at any time, until the day on which the Returning Officer declared the result of the said Election, and that the said James Edward Small was declared duly elected to represent the said Riding in your Honourable House.

That while the Poll was being taken in the Township of Whitby, one of the Townships of the said Riding, one John Farquharson, an Elector duly qualified to vote at said Election, did demand and require the property qualification of the said James Edward Small, according to the statute in behalf, but that the same was not made nor forthcoming, and that thereby the Electors of the said Riding at the time of recording their votes were deprived of the privilege conferred upon them by law, of ascertaining if the individual for whom they voted was legally qualified or not.

That on the day of declaring the said Election, the following declarations were handed in by the said James Edward Small to the Returning Officer.

Home District, }
TO WIT:

C A N A D A

I, James Edward Small, of the City of Toronto, in the Province of Canada, Esquire, do declare and testify that I am seized at law or in equity as of

freehold for my own use and benefit, of lands or tenements held by me in freehold in the Province of Canada, of the value of five hundred pounds of sterling money of Great Britain, over and above all rents, mortgages, charges and incumbrances, charged upon or due and payable out of or affecting the same, and that I have not collusively or colourably obtained a title to or become possessed of the said lands and tenements, or any part thereof, for the purpose of qualifying or enabling me to be returned a Member of the Legislative Assembly of the Province of Canada.

(Signed,) JAMES E. SMALL.

Made and subscribed the
30th day of October, 1844.
(Signed,) FRANCIS LEYS,
Returning Officer.

(8)

Home District, } C A N A D A
TO WIT.

I, James Edward Small, of the City of Toronto, in the said Province, Esquire, do swear that the estate in right of which I claim to be qualified to be elected a Member of the Legislative Assembly of the Province of Canada, is a freehold in part of Park Lot number Three of the first Concession from the Bay, in the Township of York, containing about thirty-five acres, together with the houses and buildings erected thereon.

(Signed,) JAMES E. SMALL.

Sworn before me, this 31st
day of October, 1844.
(Signed,) FRANCIS LEYS,
Returning Officer.

Your Petitioners respectfully submit to your Honourable House, that if it be decided that such declaration was put in, in sufficient time, the said James Edward Small does not with sufficient certainty declare that the estate on which he qualifies is an estate of freehold legal or equitable, but only alternatively, and that said declaration is not sufficiently certain to ground an indictment, if untrue in any particular.

That the said James Edward Small does not possess the property qualification required by law.

That the estate on which the said James Edward Small qualifies, is but a life estate and not of sufficient legal value.

That in the office of the Clerk of the Crown and Pleas at Toronto, there now appear in Her Majesty's Court of Queen's Bench, the following judgments apparently unsatisfied:

Bank of Upper Canada, vs. James Edward Small.

Francis Boyd, vs. James Edward Small.

William Tarret and others, vs. James Edward Small.

That on these judgments, executions have been placed in the hands of the Sheriff of the Home District, against the lands and tenements of the said James Edward Small, and were in said office before and at the time of making the said declarations.

That the executions aforesaid, are to the respective amounts of four hundred and forty-one pounds three shillings and six-pence, and forty-seven pounds nineteen shillings or thereabouts, besides interest.

That the said executions appear to be still subsisting and unpaid, although stayed as your Petitioner believe at the request of the said James Edward Small.

That the said estate mentioned in the said declaration of the said James Edward Small, has been put up for sale under executions against the lands of the said James Edward Small, by the said Sheriff, but that a purchaser could not be found for the same.

That your Petitioners believe that the said estate is not in any respect worth the sum of five hundred pounds sterling, over incumbrances, as required by law.

That the said George Munro did, before the said James Edward Small was declared duly elected, protest against the return of the said James Edward Small, as by the protest of the said George Munro, handed in to the Returning Officer, will fully appear.

Your Petitioners further represent, that the said James Edward Small is not elected by a majority of legal votes in the said Riding to represent the said Riding in Parliament, but that on the contrary the majority of legal votes polled at the said Election in the said third Riding for a Member to represent it in the Provincial Parliament, was polled for the said George Munro, and that if a scrutiny takes place, your Petitioners are satisfied the said George Munro will be declared to have a majority of legal votes polled at the said Election for the said third Riding.

Your Petitioners therefore humbly pray that your Honourable House will be pleased to investigate the qualifications of the said James Edward Small, and the allegations contained in this petition concerning the same, and also cause a scrutiny of the votes polled at the said Election to be made, and that if the said James Edward Small be not duly elected, that the said George Munro may be declared duly elected, or that a new Election may be directed, or such other order made as to your Honourable House may seem meet.¹

MR. GOWAN here remarked that the practice of making motions to receive petitions was unusual and unnecessary.²

(8)

Of the Municipal Council of the District of Johnstown, praying for certain Amendments in the systems of Education and direct taxation.

Of the Reverend J. Paquin and others, of the parish of St. Eustache, praying for aid towards rebuilding their Church and Convent, destroyed by the Troops in 1837.

Of Saveuse De Beaujeu of Coteau du Lac, praying that the line separating Upper and Lower Canada may be definitively settled, and the proceedings of the last Session on the subject continued.

Of A. T. Galt and others, praying to be incorporated as a Cotton Factory Company at Sherbrooke.

Of the Reverend Francis Evans and others, inhabitants of Simcoe, District of Talbot, praying for the passing of an Act authorizing the Bishop of Toronto to dispose of an Episcopal Reserve in that Town, for certain purposes.

Of the Municipal Council of the District of Talbot, praying for an Act to define the limits of the Townships of Walpole, in the Niagara District, and Woodhouse and Townsend, in the District of Talbot.

Of William M. Wilson and others, inhabitants of the Township of Woodhouse, in the District of Talbot, praying for an extension of the provisions of the Provincial Act passed on the 27th August, 1841, to secure to Aliens the civil and political rights of natural born British subjects.

Of Flint L. Keys, of Simcoe, District of Talbot, M.D., praying for an extension of the time in which Aliens may have the benefit of naturalization by taking the oaths required by the Provincial Act.

Of John Bonner and William Petry, of Quebec, Merchants, praying that the proceedings taken on their Petition in 1842, may be resumed, and that they may be permitted to furnish the necessary evidence in support of their allegations.

Petitions
referred.

Gaspé Fishing
and Mining
Company.

Resolved, That the Petition of Charles Cunningham and others, Members of the Gaspé Fishing and Coal Mining Company, be referred to a Special Committee of five Members, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers and records.

Ordered, That Mr. Christie, Mr. Bertrand, Mr. Taché, Mr. Dewitt, and the Honourable Mr. Morin, do compose the said Committee.

MR. WILLIAMS³ called the attention of the House to his motion for the appointment of a committee to enquire into certain interpolations which have been made in the journals of the Legislative Council. The hon. member explained to the House that he had during the last session of the last Parliament introduced a Bill to enable all denominations of Christians to hold lands for certain purposes connected with religious worship. That Bill had passed that House and was sent to the Council, where certain amendments were introduced. It then came again to the Lower House where the amendments were rejected, and it fell through. It seemed that amongst his constituents there were a considerable number of persons called Bible Christians, for whose benefit more particularly he had introduced the Bill. During the last general election a number of these persons had charged him with inconsistency

in allowing the Bill to fall through. He had denied the charge, and had appealed to the journals of the House. On those journals being referred to, it was found that certain interpolations consisted of the words - "Shavers, Barkers, Southcoatites (sic), and Gypsies," after an enumeration of the other denominations of christians had been made. His opponents had charged him (Mr. Williams) with making these interpolations, and stated that he had done so to frustrate his own Bill. He had rebutted these charges, and had thrown them on an honourable and learned member of the Upper House, who had charge of the Bill while passing through that House, and who was a member of the late Administration. He (Mr. Williams) had since examined the minutes of the Upper House, and he found that the interpolations were not chargeable to that hon. gentleman, - there were no such words in the Journals of either House. It was quite clear that the records of the House had been falsified in reporting for the press, or in the printing. It was a serious charge, and if brought home to the culprit, ought to be most severely punished. (Hear, hear.) He moved that the offensive passage be now read.⁴

(8)

On motion of Mr. Williams, seconded by Mr. Meyers,

Ordered, That so much of the Amendments as appears, by the printed Journals of this House, to be made by the Honourable the Legislative Council in the last Session of Parliament, to the Bill intituled, "An Act to enable Religious Societies of all denominations of Christians in that part of the Province, called Upper Canada, to hold Lands for certain purposes therein mentioned," as purports to recite a certain Act of Parliament, of that part of the Province called Upper Canada, passed in the ninth year of the Reign of His late Majesty, King George the Fourth, intituled, "An Act for the relief of the Religious Societies therein mentioned," be now read.

The said Amendments were read accordingly.

MR. WILLIAMS moved "that a committee be appointed to inquire into the manner in which certain offensive words were introduced in the Journals of last Session, into the amendments of the Council to the Religious Societies Lands Bill."⁵

MR. MEYERS seconded the motion.⁶

MR. AYLWIN supported the motion, and called the attention of the House to the heinous nature of the offence which had been wantonly committed. Mr. Aylwin expressed his belief that the hon. member for Durham was more deeply interested than any other member of the House, for his own sake, in an explanation being given to the public of the origin of the matter.⁷

(9)

Committee on
amendments to
Religious
Society's Lands
Bill.

Resolved, That a Special Committee of five Members be appointed to investigate and ascertain by whom, and in what way, the following words--to wit: Winkers, Barbers, Shavers, Southcotites, Shakers, and Gipsies were introduced into the Journals of this House, in the amendments made by the Honourable the Legislative Council, in the last Session of Parliament, to the Bill intituled, "An Act to enable Religious Societies of all denominations of Christians in that part of the Province called Upper Canada, to hold Lands for certain purposes therein mentioned," to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered, That Mr. Williams, Mr. Meyers, Mr. Price, the Honourable Mr. Baldwin, and Mr. Hale, do compose the said Committee.

Land Holders,
Gaspé.

Ordered, That Mr. Christie have leave to bring in a Bill for the relief of certain Landholders in the Gaspé District.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Friday next.

Municipal Coun-
cils, Gaspé.

Ordered, That Mr. Christie have leave to bring in a Bill to exempt the District of Gaspé from the operation of an Ordinance of the Governor and Special Council of the late Province of Lower Canada intituled, "An Ordinance to provide for the better internal Government of this Province by the establishment of local or Municipal authorities therein."

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Friday the thirteenth instant.

MR. CHRISTIE⁸ ((suggested)) that the whole ((subject of the printing of the journals of the House)) should be thrown open to the public competition.⁹

A great deal of conversation took place on the subject... . Members generally complained that great delays took place in delivering printed copies of the Statutes and Journals, and that they were offered for public sale long before they were delivered to the House.¹⁰

MR. BALDWIN observed that there was not a sufficient number either of the statutes or journals printed, and trusted that in future there would be a much larger edition.¹¹

(9)

Printing of
Laws.

Ordered, That Mr. Christie have leave to bring in a Bill to throw open to public competition the printing of the Laws, with a view to render the printing thereof more expeditious and less expensive than heretofore.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Friday next.

Claims upon
Executive
Government.

Ordered, That Mr. Christie have leave to bring in a Bill to provide a legal recourse to Her Majesty's subjects in this Province having legal or just claims upon the Executive Government thereof, and to enable Her Majesty the more effectually to do justice in such cases.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Friday next.

Marriage Fee
Fund.

Ordered, That Mr. Christie have leave to bring in a Bill relating to the Fund, formerly known as the "Marriage License Fee Fund," to fix the Fees hereafter to be taken on Marriage Licenses, and to provide for the regular payment thereof into the Public Treasury.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Speech.

The Order of the Day for taking into consideration the Speech of His Excellency, the Governor General, delivered to both Houses of the Provincial Legislature, at the opening of the present Session, being read,¹²

The Speaker ((SIR ALLAN MACNAB)) intimated that the consideration of the Speech from the Throne was in order.¹³

MR. ((ROLLAND)) MACDONALD (of Cornwall) rose to propose the address in reply to the speech.¹⁴ ((He)) rose and said: Mr. Speaker -- ¹⁵

MR. BALDWIN apologized for interrupting the hon. member for Cornwall, but wished to state that the members of the opposition were not prepared to go on with the debate that evening. The copies of the answer to be proposed from the Treasury Benches had not been put into their hands till that forenoon, but they would be fully prepared to go on to-morrow (Tuesday). If however the other side of the House were desirous of having the amendments to the Address to be moved from this side, printed and put into the hands of members, it would not be possible to go on before Wednesday.¹⁶

MR. ATTORNEY GENERAL ((J.)) SMITH. - By all means - and it is desirable that we should have them as early as possible.¹⁷

MR. BALDWIN. - They will be put into the printer's hands to-morrow morning.¹⁸

((The Attorney General MR. J. SMITH then moved)) that the motion should stand first on the orders of the day for Wednesday¹⁹.

(9)

Ordered, That the said Order of the Day be postponed until Wednesday next, and that it be then the first order of the day.

Then, on motion of Mr. Smith, of Frontenac, seconded by Mr. Foster,

The House adjourned.

APPENDIX, 2 DECEMBER 1844.

((NOTICE OF PROPOSED MOTIONS.))

MR. CAMERON gave notice that he would move to-morrow that an humble address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House a return of, the names of all persons who have been appointed to any office of emolument in this Province, since the prorogation of Parliament up to this date, - with the dates of their respective appointments: whether temporary or permanent; the amount of salary in each case, - stating the name of such member, and the statute or authority under which such persons had been so appointed.²⁰

MR. PRICE gave notice that he would, on Monday next move that an humble address be presented to His Excellency the Governor General, praying that His Excellency would be pleased to cause to be laid before this House details of the Financial affairs of ... ((King's College; information about the Professors;)) to what religious denomination they belong; their respective departments. Also, how many students are now in the University; their names, and fees paid by ... ((them)) and how many attend each Professor. Also, an account of the expenses incurred in fitting up the present infirmary building; the cost of the furniture of each Professor--stating particularly the cost of each Professor's chair and table. And also, whether a chaplain has recently been appointed to the University--stating his name, salary, and the date when he was appointed; when his salary commenced; and under what law he has received his appointment.²¹

COLONEL PRINCE gave notice that he would move for information whether the Ministry intended to take any steps, and what, for the reimbursement of losses sustained by persons in Lower Canada, during the Rebellion; and for information of the disbursement of a sum appropriated for that purpose in Upper Canada.²²

MR. D.A. MACDONELL gave notice that he would to-morrow introduce a Bill to extend the provisions of the Act providing for the disposal of public lands, and to enable persons located prior to 4th April, 1839, to perfect their titles.²³

MR. MALCOLM CAMERON gave notice he would move for continuation of the grant to Agricultural Societies²⁴.

MR. MALCOLM CAMERON gave notice he would move ... for increasing the bounty for the destruction of wolves.²⁵

COL. GOWAN, gave notice that he would enquire of the gentleman on the Treasury Benches, why all boats engaged in the navigation of the St. Lawrence, being the property of inhabitants of this colony, were compelled to clear at Coteau du Lac.²⁶

MR. DEBLEURY ((gave notice)) - Of a Bill to afford further relief to insolvent debtors²⁷.

MR. DEBLEURY ((gave notice)) - Of ... a Bill to repeal the Act establishing Free Schools in Lower Canada.²⁸

MR. ROBINSON ((gave notice)) - Of an enquiry of the members of the administration, why the sum of £3,000 granted for the improvement of the road from Lake Ontario to Lake Huron, has not been expended according to the intention of the Legislature.²⁹

MR. CHRISTIE ((gave notice)) - Of an Address for copies of any correspondence with the Home Government relative to the Civil Lists, and of any Reports of the Executive Council on the subject.³⁰

MR. ((HENRY)) SMITH, of Frontenac ((gave notice)) - Of a Bill to erect certain parts of Loughboro', Kingston, and Pittsburgh into separate townships.³¹

MR. ROBLIN ((gave notice)) - Of a Bill to provide for the more equal distribution of the property of persons dying intestate in Upper Canada.³²

((QUESTION, ANSWER AND NOTICE OF QUESTION RE: SUPPRESSION OF SECRET SOCIETIES.))³³

MR. CHRISTIE put a question to the gentlemen on the Government benches, - whether they intended to take measures to suppress the Secret Societies that were in existence in this city? If they were not prepared to give an immediate answer, he would let it stand as a notice; but it was certainly time when murder was going on, and the shots fired by parties - he did not know which party - were heard in that house, that the Government should take some measure for the suppression of Secret Societies.³⁴

MR. ATTORNEY GENERAL ((JAMES)) SMITH said that until information was received by the Government that the regular authority was not sufficient to preserve the peace, he did not see how the Government could interfere. They, of course, had a right to suppose that the regular authorities were sufficient. If it was shewn that they were not, it would then be the duty of the Government to take some steps in the matter. If, however, his Honorable friend would allow the matter to stand over till the day after to-morrow, he should probably be enabled to give him an answer.³⁵

MR. CHRISTIE said he had no objections. The Attorney General might say the day after to-morrow if he preferred it.³⁶

MR. AYLWIN ... ((made)) some remarks on the military array which had been seen in the streets³⁷.

He was called to "order," and the subject dropped.³⁸

MR. CHRISTIE ((gave notice)) - Of an enquiry whether the Government intend taking any measures for the suppressal of the secret societies that appear to be organised (sic), and in action, in this city, to the disturbance of the public peace and endangerment of the lives of her Majesty's subjects.³⁹

((WITHDRAWN MOTION, AND NOTICE OF MOTION RE: ELECTION VIOLENCE IN LOWER CANADA IN 1841.))⁴⁰

MR. AYLWIN here rose and said, that before proceeding to the order of the day, he wished to bring before the house a matter of the deepest importance to the country, viz., the resolution of last session, of the committee appointed to consider the violence used at the election of Montreal, Vaudreuil, Beauharnois, &c., in the year 1841. He referred to the report made, after a most painful inquiry, by that committee, the consideration of which had been put off to the next session, in consequence of an opinion, originating from the highest authority, that that parliament would complete its full term. The reasons which actuated the house at that time had still their full force, and if any hon. member doubted it, the shouts which rang that moment in their ears proved the necessity of immediate steps being taken to prevent similar outrages. (Hear, hear.) He (Mr. Aylwin) felt that their time could not be better occupied than in sifting this matter. The advantages of representative institutions were, in his mind, more than counterbalanced by violence and bloodshed, and he would rather prefer to lose an election than to carry it at the loss of the life of one individual. He hoped that whatever their political differences might be, every member of the house would join in carrying out every means for preventing riot and loss of life at elections. (Cheers.) Lower Canada, at the present moment, he regretted to say enjoyed the unenviable reputation of being the most turbulent country in America, not excepting Texas, and therefore he considered that the introduction of this matter could not be more appropriate than at the present time. He concluded by moving that "the Clerk of this House do now read the Resolutions on the Journals of 1841 relative to the outrages alleged to have been committed at the General Election in that year in the counties of Terrebonne, Montreal, Vaudreuil, Beauharnois, Chambly and Rouville: and also the Resolutions of 12th and 29th September, 1843, on the same subject."⁴¹

MR. CHABOT seconded the motion.⁴²

MR. SOLICITOR-GENERAL SHERWOOD fully agreed with the general principles enunciated by the last speaker. He had been on the Committee of 1843, and had no hesitation in saying that the proceedings disclosed were highly discreditable and criminal. But he could not forget that years had now passed since they occurred, that a General Election had since taken place, and it therefore did become a question whether, after this lapse of time, it could conduce to public advantage to bring up these matters. How was it intended to follow them up? By resolutions, or another committee? The house should first know what the hon. member intends to do, before they could come to a

decision.⁴³

MR. AYLWIN explained that of course his present proceeding was merely preliminary. He intended to follow it up with Resolutions, as in 1841 and 1842.⁴⁴

DR. DUNLOP considered that the House was pledged to nothing by the Resolutions of any previous Parliament.⁴⁵

MR. JOHNSTON was anxious to get to real business. It was absurd to go back for two or three years when they had half-a-dozen of contested elections before themselves. He looked upon the motion as frivolous and vexatious.⁴⁶

COL. PRINCE perfectly agreed with what had fallen from his learned friend (Mr. Aylwin), but standing there as an independent member, attached to no party, he thought it best that old sores should not be ripped up: it was better to heal them. He eulogised the new Election Law, which had been passed since these outrages, and which he said would alone encircle the names of the late Administration with distinction in the annals of their country.⁴⁷

Cheers from the Opposition.⁴⁸

((COL. PRINCE resumed:)) Under that law, such outrages could never occur again without bringing condign punishment upon the perpetrators.⁴⁹

MR. AYLWIN said he was not desirous of opening up old differences, but these outrages were of the most flagrant description, and he thought that the time which had elapsed was an argument in favour of the inquiry; the House could now judge more calmly of these events than before. He knew that the evils complained of could not now be redressed, but he also knew that they had not ceased. He should have a petition to present to the House to-morrow from no less a city than Montreal, unfolding the most extraordinary proceedings. He trusted that in respect to that petition no member would allow his political feelings to influence him; and he had so much confidence in that House as now constituted, that he was sure he might look for impartiality. If he had that confidence for the present, how much more must he have for the past? They could now take up the matter as something historical, and afford a useful lesson for the public, by showing that in the end violence always defeats itself. It was a pity that lesson should be lost. It was one from which the people of that Province might derive much benefit.⁵⁰

MR. ROLLAND MACDONALD did not know how to vote. He wished to do what was right, but he was not prepared to vote from want of information on the subject. He was ignorant of the rules of the House, but if he could do so he would move that Mr. Aylwin's motion be postponed till to-morrow.⁵¹

DR. DUNLOP seconded the motion.⁵²

MR. AYLWIN withdrew his motion, and gave notice that he would bring it forward again on Friday next.⁵³

((QUESTION AND ANSWER RE: MACADAMIZED ROADS IN THE HOME DISTRICT))

MR. PRICE pursuant to notice, begged now to ask of the Members of her Majesty's Provincial Administration whether it was their intention to introduce a Bill, during the present Session, on the subject of the Macadamized Roads in the Home District?⁵⁴

MR. SOLICITOR GENERAL ((HENRY)) SHERWOOD said it was the intention of the Administration to introduce such a Bill.⁵⁵

FOOTNOTES - 2 DECEMBER 1844.

1. The following remark was reported by: MONTREAL TRANSCRIPT, 3 December 1844, copied by EXAMINER, 18 December 1844; and BROCKVILLE RECORDER, 12 December 1844.
2. MONTREAL TRANSCRIPT, 3 December 1844.
3. The following remarks were reported in: the MONTREAL GAZETTE, 3 December 1844, in an account identical to but shorter than that in the GLOBE, 10 December 1844; the MONTREAL TRANSCRIPT, 3 December 1844; and the BRITISH WHIG, 6 December 1844, copying MONTREAL HERALD.
4. GLOBE, 10 December 1844.
5. IBID.
6. IBID.
7. IBID.
8. The following remarks were reported in: PILOT, 4 December 1844; LA MINERVE, 5 December 1844; MONTREAL GAZETTE, 3 December 1844; and BRITISH WHIG, 6 December 1844, copying MONTREAL HERALD.
9. MONTREAL GAZETTE, 3 December 1844.
10. IBID.
11. IBID.
12. The following debate was reported by: PILOT, 4 December 1844; GLOBE, 10 December 1844; LA MINERVE, 5 December 1844; MONTREAL TRANSCRIPT, 3 December 1844, copied by BROCKVILLE RECORDER, 12 December 1844; EXAMINER, 18 December 1844; BRITISH WHIG, 6 December 1844, copying MONTREAL HERALD; and MONTREAL GAZETTE, 3 December 1844, in an account identical to that in LE CANADIEN, 6 December 1844.
13. GLOBE, 10 December 1844.
14. MONTREAL GAZETTE, 3 December 1844.
15. GLOBE, 10 December 1844.
16. IBID.
17. IBID.
18. IBID.
19. MONTREAL GAZETTE, 3 December 1844.
20. GLOBE, 10 December 1844. This notice and the notice following, by Mr. Price, were reported in: LE CANADIEN, 6 December 1844; MONTREAL TRANSCRIPT, 3 December 1844; MONTREAL GAZETTE, 3 December 1844; and GLOBE, 10 December 1844. The GLOBE also provides a commentary on the notices.
21. GLOBE, 10 December 1844. Ellipses indicate completely illegible portions of the report.
22. MONTREAL TRANSCRIPT, 3 December 1844. This notice was reported by: LE CANADIEN, 6 December 1844; MONTREAL TRANSCRIPT, 3 December 1844; and MONTREAL GAZETTE, 3 December 1844.
23. GLOBE, 10 December 1844. This was reported by: MONTREAL GAZETTE, 3 December 1844; and LE CANADIEN, 6 December 1844, as well as the GLOBE, which misidentified the speaker, calling him George rather than D. A.
24. MONTREAL TRANSCRIPT, 3 December 1844. This notice, and the notices presented by Cameron and Gowan, were also reported by: LE CANADIEN, 6 December 1844; and MONTREAL GAZETTE, 3 December 1844.
25. MONTREAL TRANSCRIPT, 3 December 1844.
26. IBID.

27. MONTREAL GAZETTE, 3 December 1844. This notice and the ones following, by Messrs. De Bleury, Robinson, and Christie, were also reported in : LE CANADIEN, 6 December 1844.
28. MONTREAL GAZETTE, 3 December 1844.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. This was reported by: GLOBE, 10 December 1844; PILOT, 4 December 1844; LA MINERVE, 5 December 1844; BRITISH WHIG, 6 December 1844, copying MONTREAL HERALD; MONTREAL TRANSCRIPT, 3 December 1844; and MONTREAL GAZETTE, 3 December 1844, which contains two opening speeches identical to speeches in the GLOBE, but in which the other speeches are reported differently.
34. MONTREAL GAZETTE, 5 December 1844.
35. IBID.
36. GLOBE, 10 December 1844.
37. MONTREAL GAZETTE, 3 December 1844.
38. IBID.
39. IBID.
40. The following debate was reported by: MONTREAL TRANSCRIPT, 3 December 1844, copied by BROCKVILLE RECORDER, 12 December 1844; EXAMINER, 18 December 1844; PILOT, 4 December 1844; LE CANADIEN, 6 December 1844; LA MINERVE, 5 December 1844; BRITISH WHIG, 6 December 1844, copying MONTREAL HERALD; MONTREAL GAZETTE, 3 December 1844; BRITISH COLONIST, 20 December 1844, which is an edited version of the MONTREAL GAZETTE; and the GLOBE, 10 December 1844, which contains many speeches identical to those in the MONTREAL GAZETTE, some of them longer, and which also contains speeches not found anywhere in the GAZETTE.
41. GLOBE, 10 December 1844.
42. IBID.
43. IBID.
44. IBID.
45. IBID.
46. IBID.
47. IBID.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. IBID.
55. IBID.

TUESDAY, 3 December 1844.

(9)

Library.

MR. SPEAKER communicated to the House a Report, received from the Librarian, of the present state of the Library of the House, pursuant to a standing order of the 19th June, 1841.

(For the said Report, see Appendix C.)

Champlain and
Saint Lawrence
Railroad.

Also, a statement of the affairs of the "Champlain and Saint Lawrence Railroad," as required by the 49th section of the Act 2d William IV, chapter 58, of the late Province of Lower Canada.

(For the said Statement, see Appendix D.)

Petitions
brought up.

The following Petitions were severally brought up and laid on the table.

By Mr. Scott, the Petition of Francis C. T. Arnoldi, M. D., and others, Lecturers and Students in and of the Medical School in the city of Montreal, called the College of Medicine and Surgery.

By Mr. Robinson, the Petition of the Municipal Council of the District of Simcoe, (relating to the Municipal Council Act); the Petition of the Municipal Council of the District of Simcoe, (relating to the office of the County Registrar); the Petition of the Municipal Council of the District of Simcoe, (relating to arrears of assessed taxes); and the Petition of the Municipal Council of the District of Simcoe, (relating to a more equal assessment of real estate.)

By Mr. Nelson, the Petition of E. L. Hayden and others, inhabitants of Sorel and Yamaska.

By Mr. Boulton, the Petition of the Reverend Thomas Phillips of the Township of Etobicoke, in the Home District.

By Mr. Taché, the Petition of Pierre Deguise, of the parish of St. Thomas; and the Petition of John Macpherson and others, inhabitants of Crane Island, and of the parishes of St. Thomas, Cap St. Ignace and other places.

By Mr. Boutillier, the Petition of W. B. Lindsay, junior, of the city of Montreal; and the Petition of the Municipal Council of the District of Saint Hyacinthe, (relating to the Municipal Council Act.)

By the Honourable Mr. Morin, the Petition of Abraham Cloutier, of Montreal, late Messenger in the Crown Land Office; and the Petition of Honoré Tanguay, of Quebec, writer.

By Mr. Dunlop, the Petition of the Moderator and Presbytery of Montreal.

By Mr. Greive, the Petition of the Religious, the Ursuline Ladies of Three Rivers.

By Mr. Lantier, the Petition of the Reverend Paul Archambault and others, of the parish of Saint Michel de Vaudreuil.

By Mr. Chabot, the Petition of the Mayor and Corporation of the city of Quebec.

(10)

Petitions
referred.

S. De Beaujeu.

Resolved, That the Petition of Saveuse De Beaujeu, of Coteau du Lac, praying that the line separating Upper and Lower Canada may be definitively settled, and the proceedings of the last Session on the subject continued, be referred to a Special Committee of five Members, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers and records.

Ordered, That Mr. Lantier, the Honourable Mr. Morin, the Honourable Mr. Lafontaine, the Honourable Mr. Solicitor General Sherwood, and Mr. Robinson, do compose the said Committee.

Gaspé Fishery
and Coal Mining
Company.

Mr. Christie from the Special Committee to which was referred the Petition of Charles Cunningham and others, members of the Gaspé Fishery and Coal Mining Company, with power to report by Bill or otherwise, presented to the House a Bill to approve of and confirm an Act of the Imperial Parliament of Great Britain, to incorporate the Gaspé Fishery and Coal Mining Company; which was received and read for the first time; and ordered to be read a second time on Monday next.¹

((This)) was objected to by MR. AYLWIN, on the ground of precipitancy, and that so short an interval would not allow time for the House and country to become acquainted with their details.²

((MESSRS. SCOTT et MOFFATT aussi ont fait)) quelques objections.³

(10)

Registration
of Titles.

Ordered, That Mr. Christie have leave to bring in a Bill still further to facilitate the Registration of Titles to Real Property or Incumbrances thereon, in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time,⁴

((MR. CHRISTIE)) was desirous that ... ((this Bill)) should be read, a second time on Monday next⁵.

((MR. AYLWIN)) considered that some good reasons ought to be given before fresh legislation took place on so important a subject. That had not been done. The Bill had been read a first time whilst Hon. Members were quite ignorant of its object, and it was now asked to read it a second time on Monday next. He would put it to the House whether they believed that, supposing the Bill were printed tomorrow, they would be able to form a judgment on it by Monday next? For himself he declared that he should be quite unable, unless she (sic) put aside all other business. He must oppose such precipitation, the danger of which he had had personal experience of. When quite a young Member, a Bill had been passed whilst he was in the House, which he had voted for, because he was told it was a Bill of little importance. Afterwards, when a Member of the Executive, this Bill had been brought under his notice, when he discovered to his mortification that it involved the expenditure of a large sum of public money. Since that time he had made up his mind never to commit another such error; and therefore it was that he was opposed to the present course, and demanded that the second reading of the Bill should be postponed for a fortnight.⁶

MR. CHRISTIE denied that he sought to hurry the measures. If on Monday next any Member wished for delay, he should have it.⁷

The Attorney General ((MR. JAMES SMITH)) would also put it to the last speaker whether a Bill of so much importance as one affecting Registration should be introduced without great consideration. He objected to the early day fixed for a second reading, as it would be quite impossible, with the important business that was coming on, that Members should make themselves acquainted with the details. The present Registration Act had only been a short time in operation, and he for one should hesitate to adopt any amendment without more reflection than the time named would allow.⁸

MR. CHRISTIE explained what the object of the proposed Bill was. So many tithes, mortgages, obligations, &c., had poured in upon the different offices since the 1st of November that it was found impossible to register them all. What he sought for, therefore, was to extend the time, and afford greater facilities than the present law afforded.⁹

MR. BALDWIN explained what was the usual course for the passing of a law. In Upper Canada, he said, and also in the first Sessions of the Lower Canada Parliament, it had been too much the habit to allow Bills to be introduced without the least consideration, as though the introduction was not a stage in the proceedings. It seemed now to be the wish to return nearer to the English practice. The objection which he at first saw in Mr. Christie's motion was - not that longer time was not allowed before the second reading - but that no explanation was given to show that

some necessity existed for the introduction of the Bill. That explanation had now been given, and he therefore saw no further objection.¹⁰

MR. MOFFATT referred to the suggestion now made to conform to the English practice, which he considered would be an improvement, as he had always observed that explanations given in Committee, met with infinitely less attention than when given before the House in Session.¹¹

(10)

and ordered to be read a second time on Monday the twenty-third instant.

New Townships,
Midland
District.

Ordered, That Mr. Smith of Frontenac, have leave to bring a Bill to set apart certain parts of the Townships of Loughborough, Pittsburgh and Kingston, in the Midland District, and form the same into a new Township.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday the seventeenth instant.¹²

MR. ((DONALD)) MACDONELL, (Stormont) moved for leave to bring in a bill, to explain the thirteenth section of the act, entitled, "an act for the disposal of lands, and to enable persons located on lands, prior to the fourth of October (sic) 1839 to retain possession," he said, that the object of this bill, was to enable those persons who had received grants of lands, for their services in times of difficulty. These persons were enjoined by the act, which he proposed to amend, to come forward at a certain time with their claims, the bill having been passed, was sent over to England for confirmation, and did not return for a long period; when it reached the country, proclamation was made of the time appointed for making the claims, but there were individuals, who either had got no knowledge of the matter, or who had no sufficient time, and who did not come in, and so lost their claims. He could not for a moment suppose that it had been the intention of Government, to take those people by surprise, and his bill was intended, to provide a remedy for the circumstances he had stated.¹³

(10)

Public Lands.

Ordered, That Mr. MacDonell of Stormont, have leave to bring in a Bill to extend the provisions of the 13th section of an Act of the Province of Canada, intituled, "An Act for the disposal of Public Lands," and to enable persons who located lands prior to the fourth of April, 1839, to perfect their titles to the same.

He accordingly presented the said Bill to the House, and the same was received and read for the first time,

Upon the motion, that the bill be read a second time, the Speaker ((SIR ALLAN MACNAB)) put the motion to the House, in English as usual¹⁴.

MR. LAURIN, complained of the mode of proceeding hitherto adopted in the House in respect to the reading of motions, &c. in English only, to the exclusion of the French Canadian members who did not understand that language, and demanded that the 38th rule of the house should be put in practice.¹⁵

MR. SCOTT supported the proposition. The French Canadian members had a duty to perform to their constituents, which they could not perform if the proceedings were not read in French.¹⁶

The Speaker ((SIR ALLAN MACNAB)) read the 38th rule, which requires that the Speaker shall read the motion in the language most familiar to himself, and that a translation shall afterwards be made by the Clerk, in case the Speaker does not know the two languages. English, Sir Allan said, was most familiar to him, and he had read the motion in that language. If a Member wished to have a motion read in French, he had only to call on the Clerk to read it in that language, and he would do so.¹⁷

M. CHAUVEAU prend alors la parole. Il réclame la traduction non pas dans tel ou tel cas, mais dans tous. Ne serait-il pas humiliant qu'à chaque motion, un Canadien français fut obligé de demander une traduction.¹⁸

The Attorney General ((MR. JAMES SMITH)) disclaimed any wish to interfere with the rights of the French Canadian Members, but objected to the time that would be consumed, if the 38th rule was enforced in all cases.¹⁹ He thought that it would be unnecessary, to read a motion in French, as well as in English, unless, when called upon to do so; the object in reading these motions in only one language, had been, to avoid the continual re-reading of matter, of very little importance. He was quit (sic) sure that it was not wished by any one, to take up the time of the House unnecessarily, and he believed, the double reading of so much matter would wast (sic) more time, than those gentlemen who had spoken, would wish to see lost.²⁰

M. LAFONTAINE est bien aise de faire observer à M. Smith que dans la chambre toutes les affaires sont d'une égale importance. Il (Mr. Lafontaine) ne sait comment M. l'Orateur a pu faire observer qu'il y aurait traduction quand on l'exigerait; que telle n'était pas la teneur (sic) du règlement; qu'il portait que toute motion se traduirait en Français; c'est un droit que nous avons et nous le demandans (sic) comme tel.²¹

Hon. MR. MORIN said, he believed the rule ought to be complied with in all cases, he would desire to save the time of the House, as much as it was possible to do so, but they should not forget the (sic) they had constituents, and that there were duties which they owed to their constituents, the greater part of whom did not understand any other language than the French, he believed the part of the population to which he had

referred were not sufficiently represented in that House, but still they formed he thought a large majority of the constituencies of the country. A number of those members who represented these men, also, did not understand English, and were in consequence unable to take part in the proceedings of the House, unless those proceedings were carried (sic) on in their own language. He knew that many of these gentlemen did understand the English language, but still they experienced a difficulty in catching the exact (sic) sense; for himself he must say, that he did not understand so well in English as in French, he did not seize the subject so critically, or so immediately.²²

The Speaker ((SIR ALLAN MACNAB)) said that as he found it to be the wish of the House, he would for the future take care, that every motion should be read in both languages, he had thought that it would be sufficient to do so, when it was required, but he was of course, quite ready to act in accordance with the wishes of the House.²³

The motion was then read in French²⁴.

(10)

and ordered to be read a second time on Tuesday, the seventeenth instant.

Municipal Council
Johnstown.

Ordered, That two hundred copies of the Petition of the Municipal Council of the District of Johnstown, praying for certain amendments in the systems of Education and direct Taxation, be printed in each of the English and French languages, for the use of the Members of this House.

Then, on motion of Mr. Duggan, seconded by the Honourable Mr. Moffatt,

The House adjourned.

APPENDIX, 3 DECEMBER 1844.

((NOTICE OF PROPOSED MOTIONS.))²⁵

MR. LANTIER ((gave notice)) - For inquiries of the Administration - whether they intend bringing forward any measure for completing that part of the road from the Western to the Eastern part of the Province, which lies between the Cedars Plank Road and the Island of Montreal. Also, by whom the office of Collector at Coteau du Lac is filled, with the date of appointment.²⁶

MR. CHRISTIE ((gave notice)) - For the following Bills, viz - To extend the Province of the Gaspé Jurisdiction Act; to adjust the Civil List; reduce the expenses of the Government; to provide for the trial of impeachments by the Legislative Assembly; to facilitate commutation of the tenure of en roture in the Seigniories in Lower Canada; to declare illegal the existing monopoly of water power in the Seigniories of Lower Canada; to authorize the the scezure (sic) of official salaries for the payment of debts. Also of an inquiry whether the Government is in possession of any information of an intention on the part of the Home Government to discontinue the communication between Quebec and Pictou by the "Unicorn." Also, of a committee of the whole to consider the expediency of encouraging the Gaspé and Gulf fisheries, by removing the duty on salt, &c., used by them.²⁷

MR. W. STEWART ((gave notice)) - Of an Address for statement in detail of the transactions in the Timber Office at Bytown for 1843 and 1844 - showing the number of rafts, revenue expenses, &c., - and the quantity of timber cut in the other parts of the Province.²⁸

MR. POWELL ((gave notice)) - Of a Bill to revive the 4th clause of the Act of 4th and 5th Vict., relative to the civil rights of aliens.²⁹

MR. CAUCHON ((gave notice)) - Of an inquiry whether the Administration intend proposing any amendments to the Registry Laws, and if so, whether one of such amendments will be to convert the present mode of registering titles into a simple entry on the Register of the property and the incumbrances thereon.³⁰

MR. AYLWIN ((gave notice)) - Of an Address for a statement of the sums expended for education and public improvements in each county of the province since 1830.³¹

((MR. AYLWIN gave notice of)) - an Address for copy of the instrument under which Hon. D. B. Viger was called to the Executive Council, and of that appointing him President of the Council.³²

MR. COLVILLE ((gave notice)) - Of inquiry of the Members of the Administration whether they intend presenting a Bill to enable Ministers of Religion to vote at elections.³³

MR. ATTORNEY GEN. ((J.)) SMITH ((gave notice)) - Of appointment of a Standing Committee on privileges and elections, expiring laws, private bills, standing orders, printing and contingencies.³⁴

MR. THOMPSON ((gave notice)) - Of an inquiry of the Members of the Administration, whether they intend bringing in any Bills of the following nature, viz: To extend the jurisdiction of the division courts; to provide for the payment of the expenses attending the administration of justice in Upper Canada, out of the Consolidated Revenue Fund, as in Lower Canada; for amending the charter of King's College; to appropriate lands to the support of grammar schools, equal in value to those alienated; for a more equitable system of taxation in Upper Canada; for the better division of Upper Canada into counties; for the incorporation of towns, townships, and cities, to prevent Queen's Counsel from multiplying their fees; to amend the usury laws.³⁵

FOOTNOTES - 3 DECEMBER 1844.

1. The following exchange was reported by: LE CANADIEN, 6 December 1844; and in identical accounts in MONTREAL GAZETTE, 5 December 1844, MONTREAL TRANSCRIPT, 5 December 1844, BRITISH WHIG, 6 December 1844, and EXAMINER, 18 December 1844, all copied from the MONTREAL COURIER.
2. MONTREAL GAZETTE, 5 December 1844.
3. LE CANADIEN, 6 December 1844.
4. This debate was reported in: LE CANADIEN, 6 December 1844; and in identical accounts in MONTREAL GAZETTE, 5 December 1844, MONTREAL TRANSCRIPT, 5 December 1844, and EXAMINER, 18 December 1844, all copied from the MONTREAL COURIER.
5. MONTREAL GAZETTE, 5 December 1844.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. This debate was reported by LE JOURNAL DE QUEBEC, 7 December 1844, and LA MINERVE, 5 December 1844, which is identical to but shorter than that of LE JOURNAL DE QUEBEC; PILOT, 6 December 1844; LE CANADIEN, 6 December 1844; and in identical accounts in MONTREAL GAZETTE, 5 December 1844, MONTREAL TRANSCRIPT, 5 December 1844, BRITISH WHIG, 6 December 1844, and EXAMINER, 18 December 1844, all copied from the MONTREAL COURIER.
13. PILOT, 6 December 1844.
14. IBID.
15. IBID.
16. MONTREAL GAZETTE, 5 December 1844.
17. PILOT, 6 December 1844.
18. LE JOURNAL DE QUEBEC, 7 December 1844.
19. MONTREAL GAZETTE, 5 December 1844.
20. PILOT, 6 December 1844.
21. LE JOURNAL DE QUEBEC, 7 December 1844.
22. PILOT, 6 December 1844.
23. IBID.
24. IBID.
25. The following notices by Messrs. Lantier and Christie, were reported by: PILOT, 6 December 1844; LE CANADIEN, 6 December 1844; and in identical accounts in MONTREAL GAZETTE, 5 December 1844, MONTREAL TRANSCRIPT, 5 December 1844, BRITISH WHIG, 6 December 1844, and EXAMINER, 18 December 1844, all copied from the MONTREAL COURIER.
26. PILOT, 6 December 1844.
27. IBID. In the text there are two different spellings used throughout: seignories and seigniories.
28. PILOT, 6 December 1844. This notice, and those following, by Messrs. Powell, Cauchon, Aylwin, Colville, Smith and Thompson, were reported by: PILOT, 6 December 1844; and in identical accounts in MONTREAL GAZETTE, 5 December 1844, MONTREAL TRANSCRIPT, 5 December 1844,

BRITISH WHIG, 6 December 1844, and EXAMINER, 18 December 1844, all copied from the MONTREAL COURIER.

29. PILOT, 6 December 1844.

30. IBID.

31. IBID.

32. IBID., see also LE CANADIEN, 6 December 1844.

33. PILOT, 6 December 1844.

34. IBID.

35. IBID.

WEDNESDAY, 4 DECEMBER 1844.

(10)

Petitions
brought up.

THE following Petitions were severally brought up and laid on the Table:--

By the Honourable Mr. Baldwin, the Petition of William Buell, of the Town of Brockville, in the County of Leeds, in the District of Johnstown, Esquire, Candidate at the last Election for the said County.

By Mr. Cameron, the Petition of William Harris and others, Freeholders of the County of Grenville, in the District of Johnstown; and the Petition of George Stevenson and others, inhabitants of the Northern Townships of the County of Kent, in the Western District.

By Mr. Bertrand, the Petition of the Municipal Council of the Municipal District of Rimouski.

By Mr. Prince, the Petition of the very Reverend Angus MacDonell, of Kingston, formerly of Sandwich, in the Western District.

By Mr. MacDonald, of Cornwall, the Petition of Pierpoint E. Adams, of the Town of Cornwall, in the Eastern District, Baker.

By Mr. Seymour, the Petition of Richard Ham and others, Elders and Deacons of the Lutheran Churches of Fredericksburgh and Ernest Town, in the Midland District.

By the Honourable Mr. Aylwin, the Petition of Mrs. Mehettable Shaw Woolrich, of Laprairie de la Madeleine, widow of the late Thomas Hall Woolrich.

Pursuant to the order of the day, the following Petitions were read:--

Petitions read.

Of J. B. Allard and others, inhabitants of the Parish of St. Matthieu de Beloeil; praying that the duty on Cattle imported from the United States may be raised.

Of M. F. Valois and others, inhabitants of Lachine and other Parishes, praying for the establishment of a Turnpike road from Lachine, through the village of Pointe Claire to Ste. Anne.

Of the Reverend Antoine Duransaux and others, inhabitants of Montreal and its vicinity, praying for the completion of the macadamized Road from Montreal to Lachine, by way of the Lachine Rapids.

Of the Honourable Gabriel Roy and others inhabitants of the Cote St. Laurent, in the Parish of St. Laurent, praying that a certain Road in the said Parish may be placed under the control of the Road Trustees, named in virtue of the Ordinance third Victoria, chapter thirty-one.

Of the Reverend Antoine Gosselin and others, of La Sainte Famille and other Parishes, in the Island of Orleans, praying that a separate Registry Office be established for the Island of Orleans, or that the Registry Office for the County of Montmorency may be held in the Parish of La Sainte Famille on the said Island.

County of
Lincoln
Election.

Of Samuel Wood and others, Electors of the North Riding of the County of Lincoln, District of Niagara, setting forth:

North Riding
of Lincoln,
contested
Election.

That your petitioners are, and at the last Election for the return of one Member to represent the North Riding of the County of Lincoln in the Provincial Parliament of Canada were, Electors, and claim to have had a right to vote at the said Election.

That the nomination of Candidates took place on the twenty-second day of October last, at St. Catharines, and upon the day fixed for commencing the polling of votes, that is to say on the twenty-ninth day of

(11)

the said month of October, and prior to the recording of any vote, a demand was made by one of your Petitioners, an Elector of the said Riding, Coplin Stinson, in the presence and hearing of the Deputy Returning Officer, Charles Rolls, Esquire, at the Poll held for the Township of Grantham, at St. Catharines, to know whether or not the Candidates, William Hamilton Merritt and George Rykert, Esquires, had severally made the declaration of qualification required by law, and if not, he required that the same should be made, and the said Coplin Stinson being such Elector, then and there required the said William Hamilton Merritt, Esquire, to make the necessary declaration of qualification pursuant to the Statute; whereupon the said William Hamilton Merritt, Esquire, protested against the demand so made, stating that the same should have been made on the day of nomination; that it was then too late, and that he would not comply with the requisition; and although some paper writing was produced by one Lorenzo Dulmage Raymond, Esquire, acting agent of the said William Hamilton Merritt, Esquire, the same was not delivered to the Returning Officer or any other proper person, nor shewn to nor seen by your Petitioners or any of them, and whatever the said paper writing may have been, the said William Hamilton Merritt, Esquire, forbade its production or delivery in compliance with the request or demand above referred to.

Your Petitioners further state that the proper declaration of the other Candidate, George Rykert, Esquire, was then and there produced in the hands of the said Returning Officer, Elias Smith Adams, Esquire, as received by him.

That your Petitioners, or some of them, then objected to the Deputy Returning Officer at St. Catharines aforesaid, in particular, recording or being allowed to record votes in favour of the said William Hamilton Merritt, Esquire, as he was not by law capable of being elected, not having complied with the Statutes in such case provided, and insisted that George Rykert, Esquire, who had fully complied with what was required of him by law, was the only Candidate capable of being elected.

Your Petitioners further state to your Honourable House, that it was also on the occasion last referred to, objected against the reception of votes in favour of the said William Hamilton Merritt, Esquire, (and which was considered an insurmountable objection) that a Commission of Bankruptcy had issued against him the said William Hamilton Merritt, Esquire, and which Commission was exhibited at St. Catharines aforesaid, to the said Returning Officer and to his Deputy Returning Officer, Charles Rolls, Esquire.

Notwithstanding these objections so raised and urged as above mentioned, the said Deputy Returning Officer at St. Catharines, under the immediate observation of the Returning Officer and all the other Deputy Returning Officers throughout the Riding, did record the votes of a large number of the Electors in favour of the said William Hamilton Merritt, Esquire, with his knowledge and approbation, contrary to the duty of the said Returning Officer and of the said several Deputy Returning Officers, as your Petitioners are advised and verily believe, in consequence of which proceeding your Petitioners and the other Electors who polled their votes in favour of the said George Rykert, Esquire, have been deprived of having returned as their Representative in Parliament for the said Riding, the said George Rykert, Esquire, the only Candidate who at the said Election proved himself qualified to be elected.

In proof of the foregoing part of this Petition, your Petitioners beg to refer your Honourable House to the Poll Books taken at the said Election in the various Townships of the said Riding, and to the one in particular for the Township of Grantham, containing the Records of the objections urged, and further state to your Honourable House, that they are prepared, if necessary, to give additional proof when, where, and in such manner as may be required of them upon the matters hereinbefore contained.

Your Petitioners further state for the information of your Honourable House, that the said William Hamilton Merritt, Esquire, is an officer of or employed by the Board of Works of the Province of Canada, and was such officer at the time of the said Election for the North Riding of the County of Lincoln, as he himself fully admitted, and therefore the said William Hamilton Merritt, Esquire, was then and still is disqualified from being elected a Member of the Provincial Parliament of this Province, and his said pretended Election is by law null and void, all which objections and disqualifications were known by the said Returning Officer.

Your Petitioners therefore pray that your Honourable House will enquire into the matters above complained of, and cause the return, of Elias Smith Adams, Esquire, the Returning Officer aforesaid to the Writ of Election, to be amended, the name of the said William Hamilton Merritt, Esquire, erased, and the name of the said George Rykert, Esquire, to be inserted, so that the individual truly entitled to the seat in your Honourable House as the Representative of the North Riding of the said County of Lincoln, may be enabled to take it, and the said William Hamilton Merritt, Esquire, restrained from assuming it; and that your Honourable House will further or otherwise deal with the parties respectively, as may seem just and right according to the Laws of this Province.

Your Petitioners further state to your Honourable House that upon the first day of November last, being the day to which the said Election was adjourned by the Returning Officer aforesaid, to proceed to sum up and ascertain the state of the General Poll of such Election and to declare the same, some of them again objected that up to that period the Declaration of Qualification of the said William Hamilton Merritt, Esquire, required by law, was not made, and on that ground, amongst others, formally protested in writing, delivered to the Returning Officer aforesaid, against his returning the said William Hamilton Merritt, Esquire, as the Representative of the said Riding.

That during the said Election, at the several Polls, the fictitious votes of some aliens and of individuals who had come into the Province since the year 1828, and who had not been naturalized, were received and recorded in favour of the said William Hamilton Merritt, Esquire, and without being required to take the Oath of Allegiance or Naturalization before any officer whatever, and of other aliens to whom the said Returning Officer, without authority of law for such his act, gave certificates of their having taken the Oath of Allegiance before him, the said last mentioned aliens not coming within the provisions of the Statute 4 and 5 Victoria, Chapter 7, nor of any other Statute or Law in force in this Province, and being a description of persons who had hitherto omitted to avail themselves of the provisions of any of the Statutes of this Province had they been inclined to become naturalized subjects.

That some of the Poll Clerks at the said Election, and during the continuance thereof, and of their officers, exercised undue influence in favour of the said William Hamilton Merritt, Esquire, and against the said George Rykert, Esquire, as your Petitioners are informed and verily believe, and that in particular one William O. Eastman, Esquire, Poll Clerk for the Township of Gainsborough, canvassed for the said William Hamilton Merritt, Esquire, and dissuaded and attempted to dissuade Electors who had expressed a determination to vote for the said George Rykert, Esquire, from doing so.

That at some of the Polling places, Ministers or Preachers of the Gospel tendered their votes in favour of the said William Hamilton Merritt,

Esquire, at the said Election, which were received and recorded in his favour by the Deputy Returning Officers, contrary to the Statute in such case provided.

That riotous conduct and frequent violations of good order and insults and violence, tending to deter the quiet and peaceable minded Electors from coming forward to record their votes in favour of the said George Rykert, Esquire, occurred at the Polling place at St. Catharines, for the Township of Grantham, immediately within the view and the hearing of Elias Smith Adams, Esquire, the Returning Officer; and although infractions of the law, were frequently complained of by Electors to him, no effort was made to repress them, and by his extraordinary inanimate deportment, encouragement was extended to a continuance.

(12)

That the whole matters of the above Petition, together with some minor points, were contained in a Protest signed by several Electors, which they beg your Honourable House to refer to, and delivered to the said Returning Officer on the first day of November last, and before the completion of his return to the Writ of Election hereinabove mentioned, in the hope that the said Returning Officer, more deliberately considering their importance, would give effect thereto, by declaring elected the said George Rykert, Esquire, and thereby avoid the necessity of a complaint on the part of your Petitioners to your Honourable House; but the said Returning Officer had no regard for the same, and as your Petitioners are assured, in violation of the Laws of this Province, persisted in declaring the said William Hamilton Merritt, Esquire, duly elected, and in returning him as the Representative in your Honourable Assembly for the North Riding of the said County of Lincoln.

Your Petitioners are prepared to give proof also of the matters contained in the second branch of this Petition should it be deemed necessary or expedient, humbly submitting themselves to the directions of your Honourable House, but strenuously asking the vindication of their rights, and that the freedom and purity of Elections be protected by the Laws of the Province and the rules and customs of your Honourable House.

Petitions read.

Of John Yule, Junior, Esquire, of the Parish of Chambly, praying to be authorized to erect a Toll Bridge over the River Richelieu, in the vicinity of the village of Chambly.

Of C. P. Elkins, Clerk of the Circuit Court for Stanstead, praying for a Salary.

Of C. P. Elkins, Clerk of the Circuit Court for Stanstead, praying to have certain expenses refunded to him.

Of the District Council of the District of Huron, praying for certain Amendments to the Municipal Council Act.

Of the Municipal Council of the District of Johnstown, praying for the passing of an Act to set apart, and declare that part of the Township of Yonge, formerly known as the Township of Escott, to be a distinct Township, under the style and title of the Township of Escott.

Of the Municipal Council of the district of Johnstown, praying for the completion and extension of the road from Brockville to St. Francis, and that the same may be placed under the control of the Board of Works.

Of Magloire Tétu, of the Parish of St. Thomas, praying remuneration for his services as Treasurer of the Municipal District of St. Thomas.

Of A. La Rue and others, of the Parish of Cap St. Ignace, in the County of L'Islet, complaining of encroachments and trespass committed on their properties by the Agent for Crown Lands, and praying such relief as the House may see fit to afford them.

Of Prince Tobey, of the Town of Cornwall, praying to be naturalized as a subject of Her Majesty.

Of Lady Stuart and other Ladies, the Committee of the Quebec Infant School, praying for a grant in aid of the said School.

Of Mrs. Percy Primrose and other Ladies, the Committee of the Charles Street Infant School, Quebec, praying for a grant in aid of the said School.

Of Mrs. M. H. Mountain and other Ladies, Managers of the Male Orphan Asylum of Quebec, praying for a Legislative grant in aid of the said Asylum.

Of John Teed, of the City of Quebec, complaining that he was illegally imprisoned during the rebellion, and praying relief.

Of the Municipal Council of the Midland District, praying that the macadamized road from the Town of Kingston to the village of Napanee, may be placed under the control of the Board of Works, and that the inhabitants of the Midland District may be relieved from all liabilities for the cost of the said road.

Of Henry Smith, Esquire, Warden and principal Superintendent of the Provincial Penitentiary of Canada, praying for an increase of Salary.

Of Charles Hébert, of the City of Quebec, complaining that he has received no compensation for his services as Messenger and Office Keeper to the Council of the Municipal District of Quebec, and praying such relief as the House may see fit to grant him.

Of the Honourable William Walker and others, President, Vice President, and Directors of the Quebec Library Association, praying for an Act of Incorporation.

Of the President and Managers of the Charitable Association of the Roman Catholic Ladies of Quebec, praying for a grant in aid of the said Association.

Of Thomas Harnes and others, Batteauxmen in the Port of Quebec, praying that the Tax which it is contemplated to impose upon them by the Quebec Trinity House Bill, may not be sanctioned.

Of the Reverend P. Huot and others of the Parish of Ste. Foye, praying an aid to macadamize, or pave with plank, two roads in the said Parish.

Of the Reverend James Robertson and others, of the Township of Ascott and vicinity, praying that the Charter of McGill College at Montreal may be amended, and that a Law be passed to place the management of King's College at Toronto, on a satisfactory basis.

Of P. H. Morin and others, inhabitants of the Town and Township of Sandwich, praying to be remunerated for losses sustained by them during the rebellion of 1837 and 1838.

Petitions
referred.

Huron District
Council.

Resolved, That the Petition of the District Council of the District of Huron, be referred to a Special Committee of five Members, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered, That Mr. Dunlop, Mr. Prince, Mr. Lawrason, Mr. Cameron, and Mr. Johnston, do compose the said Committee.

Municipal Council
of District of
Johnstown.

Resolved, That the Petition of the Municipal Council of the District of Johnstown, praying for the passing of an Act to set apart and declare that part of the Township of Yonge, formerly known as the Township of Escott, to be a distinct Township, under the style and title of the Township of Escott, be referred to a Special Committee of five Members, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered, That Mr. Gowan, Mr. Jessup, Mr. Powell, Mr. Roblin, and Mr. Sherwood of Brockville, do compose the said Committee.

Appointments since
the prorogation of
the last Parliament.

Mr. Cameron moved to resolve, seconded by Mr. Roblin, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency may be pleased to cause to be laid

(13)

before this House, a return of the names of all persons who have been appointed to any office of emolument in the Province, since the prorogation of the last Parliament, up to this date, with the dates of their respective appointments, whether temporary or permanent, the amount of salary in each case, stating the names of such office, the statutes, or other authorities, under which such persons have been so appointed.

Mr. Riddell moved, in amendment, seconded by Mr. Grieve, That the following words be added to the said motion: "And also like information from "the tenth February, 1841, to the ninth December, 1843."

The question being then put on the main motion, as amended, it was also agreed to, and

Resolved accordingly.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

Political rights. Ordered, That Mr. Powell have leave to bring in a Bill to revive and continue for a limited time, part of the fourth Clause of an Act, passed in the fourth and fifth years of the Reign of Her Majesty Queen Victoria, intituled, "An Act to secure to and confer upon certain inhabitants of this Province, the civil and political rights of natural born British subjects."

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Wednesday, the eighteenth instant.

On motion of Mr. Christie, seconded by Mr. De Witt,

Gaspé Fisheries. Resolved, That this House will, on Wednesday next, resolve itself into a Committee of the Whole House, to take into consideration the expedience of affording encouragement to the Gaspé and Gulf Fisheries, carried on from this Province, by exempting Salt, and other articles indispensable to the fisheries, from duties.

Consideration of Speech. The Order of the Day for taking into consideration the Speech of His Excellency the Governor General, delivered to both Houses of the Provincial Legislature, at the opening of the present Session, being read,

The House proceeded accordingly to take the said Speech into consideration.

Address in
Answer.

Mr. Macdonald, of Cornwall, moved to resolve, seconded by Mr. Colville, that an humble Address be presented to His Excellency the Governor General, to thank His Excellency for his gracious Speech from the Throne, and to assure His Excellency that this House is gratified that an early period, since the completion of the recent General Election, has been selected by His Excellency, the Governor General, for meeting the Parliament, at a season so convenient to the Members personally for the discharge of the important functions devolving upon them.

That this House in common with the other subjects of our Gracious Queen, throughout her vast dominions in every quarter of the Globe, rejoice at the auspicious birth of another member of the Royal Family, and humbly express their gratitude to the Almighty Giver of all Good, for the continued safety and health of our beloved Sovereign.

That the earnest consideration of this House will be devoted to all subjects before them, concerning the welfare of the Province. They recognize the improvement of the education of the People as one of their most urgent duties, and it will be a matter of the most profound gratification to them if such arrangements can be devised respecting the University of King's College, as will receive the sanction of the Crown, and give general satisfaction in the Colony.

That the attention of this House will be devoted to the Municipal Institutions of the Province, as well as to the state of the Prisons, and the want of Lunatic Asylums in Lower Canada, and also to the amelioration of the means of communication throughout this Province, so essential to its prosperity. That this House regrets the peculiar destitution of the Eastern Townships of Lower Canada in this particular; and that the Town of Kingston, in Upper Canada, which, by means of the removal of the Seat of Government, has unavoidably suffered much, should be devoid of a Road through the Inland Territory, towards the Ottawa, essentially necessary to its prosperity; and these subjects will receive that attention which their importance demands.

That this House will avail itself of the earliest opportunity of taking into consideration the state of the Militia Law in both sections of the Province, with a view to the framing of such a measure as may give efficiency to that arm of public defence in both sections of the Province.

That this House is gratified to learn that the state of the Revenue affords a fit subject of congratulation, and they will be happy to co-operate in any measure of legislation and economy calculated to promote its further improvement.

That this House learn with the most profound satisfaction that Her Majesty has graciously received the address of the last Parliament on the subject of the Civil List. That, sensible of the only objects which could have induced the Imperial Parliament to make provision for a Civil List in

this Province, and of the peculiar exigency which required such a course, this House nevertheless rejoices in the assurance of Her Majesty's confidence in the concurrence of Her Majesty's faithful subjects in Canada for effecting the same purposes, and gratefully acknowledges Her Majesty's desire, to owe the means of obtaining them to the spontaneous liberality of Her Canadian people. That this House will therefore devote its earnest attention to the exercise of that most undoubted and important of its constitutional rights and duties; the granting to the Crown of a Civil List;--and they have the fullest confidence that the recommendation of Her Majesty to the Imperial Parliament founded upon such a grant, to repeal so much of the Act of Union as relates to this subject, will meet with that ready attention which its constitutional importance demands.

That the financial accounts and estimates for the Public service, will receive due attention, when laid before this House; and they are happy to learn, notwithstanding the unavoidable expense attendant on the removal of the Seat of Government from Kingston to Montreal, and the claims to be submitted for their consideration, a considerable surplus revenue will remain for future disposition.

That this House will make proper provision for the exigencies of the Public service, and are gratified at His Excellency's assurance that he will use his exertions to diminish expenditure by all practicable economy. It is a source of the greatest satisfaction to learn that His Excellency has availed himself of such opportunities for retrenchment as have presented themselves, and they thankfully acknowledge the assurance that His Excellency will continue to pursue the same course, whenever reduction appears to be consistent with efficiency.

That this House concurs with His Excellency in desiring that the welfare of United Canada may be promoted by the joint labour of all the branches of the Legislature. That the earnest efforts of this House will be devoted to such measures as may in their judgment be calculated to secure peace and prosperity, justice and happiness to this Province.

That this House fully confides in the declaration of His Excellency, that he will continue to administer the charge entrusted to him, by Our Most Gracious Sovereign, according to the acknowledged principles of Our

(14)

Provincial Constitution, and with a view to the wants and wishes of the community. And this House learns with exceeding satisfaction, that on the occurrence of vacancies in several of the most important offices of the administration, immediate efforts were made by His Excellency to fill them by gentlemen supposed to possess the confidence of the people. While they rejoice at the assurance of His Excellency's incessant exertions to supply these vacancies, they nevertheless regret to learn that obstacles should have intervened to delay the accomplishment of this constitutional purpose.

*That this House, in the full exercise of its constitutional powers, will earnestly endeavour to maintain the harmony with the other branches of the Legislature essential to the well-being of the people, for whose benefit alone these powers are conferred, and in devoting themselves to the discharge of their important duties, unite with His Excellency in a humble hope, that the Almighty will bless their endeavours, and render them efficacious for the public good.*¹

MR. ROLLAND MACDONALD ... MR. SPEAKER, I HAVE SUFFERED VERY SEVERELY IN CONSEQUENCE OF USING THE WATER OF THIS PLACE!² ((He)) solicited the patience of the House as he was labouring under severe indisposition caused by the bad water of this place. He was a good water-man, but knocked under to Montreal water.³ (Laughter.)⁴ MR. ((HENRY)) SHERWOOD tried to look grave, and almost crashed his left hand with his right; but the Attorney General ((JAMES SMITH)) fairly laughed out.⁵ We understand... ((MR. MACDONALD)) to say that, from the great clearness with which the important principles avowed in the speech, and the measures recommended were tested, it was not necessary for him to go largely into it. He would, however, at once take the opportunity of stating that the speech had his cordial approbation. Such important subjects as Local Government - the improvement of roads - the facilitating of internal communication - education - and matters of that description, spoke for themselves, and only required to be brought before that House to meet with the attention they deserved. The flourishing state of the revenues of the province, and the still more novel circumstances of retrenchment were cheering. He was also glad to support the speech because it was not one of non-committal (sic). It did not deal in mere generalities, but put its finger upon matters that would have to be brought before that House. Thus when it spoke of education, it put its finger upon what had always been considered a sore - the University of King's College; when it came to point out where roads were wanted, it referred to the Eastern Townships, and the country in the rear of Kingston. He liked that boldness, because it showed that the gentlemen on the ministerial benches were prepared with measures to carry out the allusions. The speech also spoke of the Militia Law, which, no doubt, required amendment. He believed that for the year previous very few appointments had been made in Upper Canada under that law, and Lower Canada, he was assured, was in a still worse state. Those laws, ((t))herefore, required amendments, and would he had no doubt, receive them. When he saw the Ministers bringing forward such measures he prognosticated a long lease of office for them. The people of the country were tired of agitation - of Constitution-mongering - of mere theory. They wanted something practical; and if the Ministry would only put their shoulders to the wheel, and give them what they promised, he believed they would be a happy and contented people (hear, hear.) He was glad to see the subject of the Civil List taken up. It was a subject that ought to be settled, and he trusted would. When he had spoken of the lease of office which the gentlemen on the Ministerial Benches were to have, he wished to be understood that he gave them a longer period than his honourable friend on the opposite side (Mr. Aylwin), who on a recent

occasion had told them to come better prepared with their measures next year. This showed that that honourable gentleman believed they would be in office for one year - but he said they would be there for a much longer time if they carried out such measures as they proposed. He would now allude to what had been called the interregnum; but in doing so he would not go into the difficulties which had been excited between his Excellency the Governor General and his late advisers. The people of the country had decided that question; they had given their verdict, and by that verdict they had put the party he had the honour of supporting on the right side of the Speaker, and told the Opposition they should keep the seats they now occupied, and which, he begged to say, they filled with a great deal of ability and much advantage to the country. (Hear! hear!) If the explanations which the Governor General had given of the obstacles which had been thrown in his way in the formation of a Ministry were not deemed satisfactory, he could only say that the evils, if any, which had resulted, were entirely beyond his control. But it had been said that vacancies would not have remained so long unfilled in the mother country.⁶

Hear! hear! from the Opposition.⁷

To this he ((MR. ROLLAND MACDONALD)) replied, that when Responsible Government had been in operation for 150 years in Canada it would be fair to make such an objection, but whilst it was yet only in its infancy, he did not think it was just to draw a comparison between the two countries.⁸

Ironical cries of "Hear! hear! from the Opposition."⁹

Instead of these objections, he ((MR. ROLLAND MACDONALD)) called on the House to look forward and to do that ((which)) his Excellency called on them to do. In conclusion he asked for some exhibition of that fair play the Hon. Member for Quebec had promised on a previous night, and which he confidently expected would be shown by the gentlemen on the Opposition benches. The Hon. gentleman then proposed the copy of the Address in reply to the Speech, explaining that in consequence of the hurry with which the original copies had been printed, some slight discrepancy existed between that which he was about to read and those in the hands of Hon. Members.¹⁰ "Mr. Speaker, if not contrary to the rules of this House, I will thank you for a glass of water!"¹¹ Shouts of merriment.¹²

The water was brought.¹³

DR. DUNLOP ... ((advised)) the addition of a little Cogniac (sic).¹⁴

MR. COLVILLE seconded. The Hon. gentleman, in rising, said he need not solicit the indulgence of the House when he stated the circumstances under which he stood before them. He was young in every respect; young in years, young as a member of that House, and above all, young in Parliamentary experience. If he had consulted his own feelings, he should

have declined the responsibility of taking so prominent a part as seconder of the Address; but when he came before his constituents in Beauharnois, he had given them a promise, on the faith of which they had returned him to Parliament, that he would do all in his power to support Sir Charles Metcalfe's administration. When, therefore, it was considered necessary that the representation for Beauharnois, one of the largest counties in Lower Canada, and composed of a mixed populative (sic), should second the Address to the Throne, - he had felt it to be his duty at once to lay aside all personal feelings, and to come forward as he now did. His pledge to his constituents had been that he would support the Administration, if he believed that their measures were characterized by moderation and judgment. He thought that His Excellency's speech showed that they were so disposed. That speech alluded, amongst other matters of great importance to the Province, to the state of the Prison and Lunatic Asylums. In the course of the present year he had himself been called on, as one of the Grand Jurors of the Province, to examine the Jail of Montreal, which was also the Lunatic Asylum, and he could only say that if all the other establishments in the country were in the same state, there was no more pressing want. Another allusion made in the speech, was to the improvement of the roads, and to this paragraph he ought, probably, to make one objection. Though Kingston and the Eastern Townships were named, they had quite forgotten to mention the County of Beauharnois - (Hear, hear, and a laugh). He had no doubt many Members would respond to that sentiment - not that the speech did not mention Beauharnois, but that their particular localities were omitted. - (Hear, hear) But still he had no doubt that the Townships were very much in want of roads, and that they deserved them as well as any part of Canada. Another measure referred to in the speech was the revision of the Militia Law. In many parts of the country few if any militiamen were to be found at present, although, by the law, that class of persons were called on to perform many important duties, such as coroners of districts, taking charge of prisoners, &c. &c. Very great inconvenience was experienced in consequence, and he therefore characterized this part of the speech as useful, just, and moderate. Another feature of the address was that it showed no desire to overload the statute book, by bringing in a number of laws which could only be half considered, and would require tinkering to render them serviceable, as was the case, in his opinion, with some which had been passed in the last Session of Parliament. If the House only did what the speech proposed, he for one, should be quite satisfied. Another paragraph in the address was in respect to the view taken of Responsible Government. He did not think the House would require him to express his ideas upon that theory. They had troubled themselves with the theory too long. It was now time to come to the practice, and he hoped that the majority of the House would, by the support they would give the administration, show what their ideas on Responsible Government were. But no doubt it would be asked what the obstacles spoken of in the address were? For himself, he did not pretend to be in the secrets of the Government, and could only surmise from the rumours of the day, and the accounts given in the newspapers. From these

rumours he surmised that the Hon. gentlemen in the opposition had acted very much like the dog in the manger, and either not wishing, or finding that they would not be allowed, to come back to their offices themselves, would not allow any one else to supply them. Afterwards when propositions were made (as they were led to suppose they had been made) to gentlemen who were believed to possess the confidence of the French Canadian people, those gentlemen - although some of them believed the Governor to be in the right - were so frightened at the idea of being branded as traitors to their party, that - from what in England was called, want of pluck, they would not accept office. In acting thus, these gentlemen had shown that they possessed more discretion than valour; but subsequent events had, he confessed, given them some share of reason for their conduct; for when it was considered how the gentlemen who had stepped forward to assist the Government had been assailed, he could hardly be surprised at their refusal. When, in particular, he considered the treatment the Hon. the President of the Council had received from the French press, and in his own country, he thought he could see something to justify the discreet gentlemen who refused to take office. When he remembered also the hooting which had assailed the Hon. the Commissioner of Crown Lands when he rose in this House to exercise his Constitutional privilege of voting for a Speaker, another reason was again shown him to justify in some measure those same persons.¹⁵

A pause ensued after Mr. Colville concluded, and as no one got up, the Ministerial members began crying "question! question!"¹⁶

The Hon. MR. BALDWIN, ... - I certainly, Sir, made a pause before I addressed the Chair on the subject of this motion, because I expected to hear something from the hon. members of the Provincial Government - I expected that, in accordance with the acknowledged principles of the Constitution, they would not have left it to¹⁷ two young members, who must of course, be unacquainted with those points¹⁸, to explain the principles upon which they had accepted office, I say, Sir, that I expected them to give that explanation of their conduct, which the country has a right to expect, and does expect from them. I shall have to refer again to that subject before I sit down, but I take this opportunity of saying, that, had the conduct of Government been consistent with the usual practice on occasions like the present, had they been content to avoid in the speech everything that would pledge the House to a course which might be considered objectionable, and had been content merely to echo the words of the speech, I should have been happy to acquiesce in the address, and should not have proposed an amendment at all; but by not taking that course they have put it out of my power to act in accordance with my feelings on the subject. I will tell the hon. gentleman, however, that if they shew they have the confidence of the country, they will not find either in myself or my friends any disposition to carry on a factious opposition to their measures, while we fill these seats, which we are said so much to adorn, and which, under our present circumstances, we would rather fill than

the opposite ones independently, however, of the practice to which I have just referred¹⁹. In proof of this, he appealed to the conduct which had been pursued by them on a former occasion.²⁰ The very terms of the speech are such, as render it necessary that an amendment to the address should proceed from this part of the House, as well from respect to the duty we owe ourselves, as to that which we owe to our country, aye and to our Sovereign too.²¹ The honourable gentleman who had proposed the Address had apologised for some errors which had crept into it. He was willing to make every allowance for those errors, though he could not allow that the alterations which had been made were any great improvement. But had the hon. gentleman looked into the Address, and taken the trouble to compare it with the Speech itself, he would have found that the two did not agree - and the Address went a great deal further than the Speech. That was a circumstance of great importance, and one to which he wished to draw the attention of the House²², ((and)) was an additional reason for an amendment being required. I will, however, in the first place refer to those topics in which I concur with the terms of the address. With respect to our sympathy with the increased domestic happiness of our Sovereign, I, and my friends feel that sympathy as much as any gentleman on the opposite side of the House²³. They did most heartily rejoice at everything that added to her Majesty's happiness believing her to be the highest ornament to her station, and that the example she set had a beneficial influence on public morals, extending far beyond the empire itself.²⁴ With respect to that part which agrees in this being the best season of the year for the meeting of the House, although he was not quite certain that winter was better than summer for that purpose, yet as the comforts and discomforts might be equally balanced in an argument on that point, he would, for the present make no serious objection to it, but cheerfully agree until experience shows him the contrary. - When Mr. Macdonald had be-praised the address on account of the reference to King's College, he should have remembered that the present administration in so doing were only concurring in the advice given by himself and his late colleagues when sitting on the other side of the House, and he appealed to the Hon. Member for Huron (Dr. Dunlop) if that very bill, brought in by the late administration, was not used as a bait during the late elections, to procure a majority in the House²⁵ -

Hear, from DR. DUNLOP.²⁶

((MR. BALDWIN:)) and he hoped that the administration would fully carry out the principles of that bill²⁷ without which, I believe, the people will never be satisfied²⁸, in accordance with the recommendation from the throne, although indeed when he saw the Hon. Solicitor General, who had formerly opposed the measure with so much vehemence, sitting on the same benches with the Hon. Attorney General and the Hon. Secretary, he could not but apprehend that there was some intention to burke it. It appeared to him that the mover of the address was somewhat premature in boasting of the success of the elections, when so many

were as yet undecided and so many more were carried by very small majorities.²⁹ Too much confidence had been placed by ministers in the strength of their majority; and there were many protests pending against elections, subjects of future investigation, which it was not his intention to go into at that time; and they might find they had began (sic) to toast too soon.³⁰ It was heralded through the country, and even across the Atlantic, that we were driven from our position by the public indignation against this very measure; I would ask the gentleman opposite whether that measure was not approved of by the people of Upper Canada³¹.

Loud cries of "No! No! Yes!"³²

((MR. BALDWIN resumed:)) - Gentlemen I say yes! and time will shew whether I am not correct in this opinion.³³ OR Hon. gentlemen said 'no,' but whether it were so or not, I must confess my fears, that a measure on this subject, approved by my hon. friend, and the member for Toronto will, when brought forward, be found wanting. I however, give them credit for the intentions they have expressed. Municipal Institutions was the next subject - that also was recommended for their notice at the opening of the last Parliament, and on the consideration of that subject I shall enter with great pleasure. The subject of Lunatic Asylums and Prisons had not escaped the attention of the late Ministry, but owing to the premature dissolution of the last Parliament, they were unable to carry the measure they had prepared on the subject; and though an hon. gentleman had said they had attempted too much legislation, yet, if he considered the importance of the subjects we proposed, and the hasty termination of the session, he will, I think, find that we were not much to blame if we did not cover all of them. As to the internal communications of the Province, their importance cannot be too highly estimated, and I could not help feeling pleased, that one part of the proposed amendment, is founded upon the ground taken by the hon. member for Beauharnois himself; I mean the prominence given to the Eastern Townships, and the County of Kingston.³⁴ He considered³⁵, with Mr. Colvile (sic)³⁶ that too great a preference had been shown to ... ((these areas))³⁷. The object of my amendment is to take the general subject of the communications of the Province into consideration. At the same time, I thought, the County of Beauharnois was a strange place for this complaint to come from, when we consider the large amount of public money expended in that locality³⁸ in the construction of the Beauharnois Canal. The Hon. and learned Gentleman here alluded to a portion of Upper Canada, - the Home District in which was contained the Ridings represented by himself, his hon. friend near him (Mr. Price) and his Hon. friend the late Solicitor General for Upper Canada to which great injustice had been done in the arrangement of 1841³⁹, by placing their road upon an

inequality, in point of advantageous position with that of the other roads of the Province⁴⁰, which it was the intention of the late Ministry to have remedied had they continued in office a sufficient time to have submitted their scheme of appropriation for such purposes for the year 1843 and which if any part of the Province was to be selected as peculiarly entitled to consideration was in consequence of the treatment to which he had referred entitled to that distinction. His amendment however would have for its object the divesting the addresses from all exclusiveness as respects this subject and merely pledging the House to general consideration of the subject. The subject of the Militia he would be prepared to consider with a view to any improvement that might be proposed - with respect to the Municipal Institutions of the Country, Prisons and Lunatic Asylum((s)), he would be glad to see some improvement; it was no more than the late Ministry had advised His Excellency to call attention to, at the meeting of the last Session⁴¹. And with regard to the Revenue, I rejoice most heartily, that, the anticipations of improvement in that department, which we held out at the commencement of last session, have been realized; at the same time, I take it for granted, that the hon. gentlemen opposite do not claim any credit on that score⁴². In the proposed application of the superfluous revenue to the liquidation of the public debt (sic) he fully concurred, looking as he did upon all debt as a great evil, and he would be prepared to give his services towards that liquidation as the best means of preserving the credit and securing the prosperity of the country; and he trusted that Ministers would not falter in making such application.⁴³ Of economy I have always been the advocate, and hon. gentlemen will find, in all their measures of retrenchment, the strongest support from this side of the House. I shall now go into the subjects of the amendments generally and then lay them before the House, seriatim.⁴⁴ In respect to the section referring to internal communications against which he had complained, he would not now go further.⁴⁵ I will mention them - first, I shall allude to the statements relative to the alleged early meeting of Parliament, second, to the civil list, and lastly to the ministerial interregnum during the recess. Here, Sir, I would say, that while the ministry have made some alteration in the form of their address, there is one part of the amendment relating to the civil list, to which I should propose⁴⁶ a verbal alteration⁴⁷. I think it would be better to substitute words more in accordance with those of the address of last session, perhaps the hon. Attorney General, (East,) will refer to the⁴⁸ second paragraph, second page of the printed copy, "this House must ever continue to regard, &c.,"⁴⁹ down to the end of "British subjects." I should wish the following words to be there employed, "This House irrespective of the supposed exigency, which at that peculiar juncture may have led to such intervention of the supreme authority of the Empire, must always regard as unconstitutional the appropriation of any monies levied upon the subject without the free consent of the representatives in Provincial Parliament" - I now wish to direct the attention of the House to the subject, which is found prominently

mentioned in the first paragraph of the speech from the Throne.⁵⁰ His Excellency's Advisers said "I have assembled you at the earliest period that the completion of the recent General Election would allow, and I have high satisfaction in meeting you in order that we may devote ourselves to the care of the great interests committed to our charge," and in the answer proposed by those gentlemen the reply was "This House is gratified that an early period has been selected by His Excellency the Governor General, for meeting the Parliament at a session so convenient to the Members personally, for the discharge of the important functions devolving (sic) upon them."⁵¹ - It is true, Sir, that the period of which his Excellency has been advised to speak is that since the general election; but, Sir, it appears to me, that the effect of the introduction of the clause which echoes his statement into our address, will be to pledge the House to the opinion, at least it will appear to do so, that the Parliament has been assembled at as early a period as was reasonable, under the circumstances in which the country is placed. Sir, I am not prepared to admit that Parliament has been assembled at so early a period as the circumstances of the country required⁵², therefore the proposed amendment.⁵³ What, Sir, I ask were those circumstances during the last twelve months?⁵⁴ A ministry enjoying a large share of public confidence had been broken up, and in despite of a pledge given at the prorogation, a pledge repeated in the form of answers to various Addresses that Parliament should be again assembled,⁵⁵ that a new ministry would meet the country within twenty-four hours,⁵⁶ the Prerogative of the Crown had been called to dissolve.⁵⁷ Sir, I do not complain of the dissolution of ((the)) last Parliament, but I complain that either that Parliament or another was not assembled at an earlier period. Gentlemen I am sure will find no precedent in English history for a lengthened prorogation of Parliament under similar circumstances. There, Sir, ministers meet Parliament immediately on their appointment to office⁵⁸ to court the expression of its opinion.⁵⁹ But on the prorogation of the last session members were scattered to their homes, and his Excellency was left without the means of calling for their aid in the formation of a government. That circumstance, Sir, I conceive rendered the ministry doubly bound to call together the representatives of the people at the very earliest period.⁶⁰ But ... it had not been so; the Government had been deprived of any means of ascertaining the feeling of the country; Parliament was prorogued without the formation of a Cabinet, with but one existing head of department⁶¹, and only two others sitting as Executive Councillors.⁶² Instead of being deferred to the last day, these things ought to have been met upon the first and the House at once assembled. Independent of this, the position of the country, two previous Sessions having been brought to a close prematurely without the legislation being concluded⁶³ -

Hear, hear, from the ministerial side of the House.⁶⁴

((MR. BALDWIN continued: The position of the country)) demanded an immediate assemblage of the House putting on one side the constitutional

necessity for such action. Another reason was one of duty as well as ot (sic) necessity, the state of the supplies voted with regard to 1842, 43 and those for 44, were for the 1st quarter only, therefore it was incumbent upon those of the late Ministry, and should have been also upon their successors to have called that house together within the time the country had been left without an administration⁶⁵. I will not call that shadow (here the hon. gentleman pointed to the Hon. Provincial Secretary) an administration.⁶⁶ At this time when the supplies were only voted for one quarter it was not justifiable to delay; so far from an English minister who had acted in such a manner being subjected to a vote of want of confidence merely he would have had to have borne the heavier punishment of impeachment.⁶⁷ (Hear, and cheers.)⁶⁸ The hon. gentleman who had seconded the motion for the address had entreated consideration for his youth and inexperience; he had also appealed for their consideration, on account of the novelty of Responsible Government itself. He (Mr. B.) was perfectly willing to afford to all the members of the government, the mover and seconder, every consideration, so long as it did not militate against the rights of the country, and his duty to his Sovereign and her Representative. For the reasons which he had stated he proposed the first amendment. In wording the amendment, he claimed from the gentlemen on the other side the belief that it had been done with every respect and consideration for the Head of the Government, and it was expressed in as gentle language as possible⁶⁹, for I merely express my regret, without any condemnation, that his Excellency was not advised to appeal sooner to Parliament. My intention is merely to prevent the idea from being entertained that I or my friends admit the propriety of the delay.⁷⁰ In respect of the Civil List, he claimed to have gone no further than was due to the Constitution and the country, to avoid committing ourselves to an admission that the interference of the Imperial Parliament in imposing on us the Civil List without our consent was constitutional or proper. The proposed address went further than even the Speech from the Throne, it went out of the way to make unconstitutional admissions. In the latter he read "Her Majesty had graciously received," &c. ... In reply it was said "the peculiar Exigency" ... ⁷¹ He thought the words "peculiar exigency" were peculiarly objectionable.⁷² He (Mr. Baldwin) objected to any admission which sanctioned the right of the Home Government to take upon the people of this Colony the revenue raised therein and appropriate it without the consent of those from whom it was levied.⁷³ It was unnecessary for him to refer to historical events to show the importance which belonged to the principles of local taxation.⁷⁴ A vast amount of misery had been entailed upon the Mother Country and her American Colonies by a similar course.⁷⁵ The Imperial legislature had indeed the right to make certain enactments for the regulation of trade and commerce but⁷⁶ they were to be reserved for Colonial uses, and appropriated by colonial assemblies and by them alone, and it was our privilege, a right belonging to us by birth, and depended on ourselves alone.⁷⁷ Those rights for which he contended, were born with us, and the best and most enlightened British Statesmon (sic), had declared that

those principles were part and parcel of the British constitution.⁷⁸ And, Sir, I am opposed to an admission of the necessity of an interference of the mother country to deprive us of that right.⁷⁹ It was not required; and at all events it was not for us to admit any power to appropriate our revenue, but ourselves.⁸⁰ I need not refer here, Sir, to the universal disapprobation which this measure met with in Upper Canada. At that time I was in the Western part of the Province, and tories, reformers, and those too, who rejoice in the appellation of loose fish, all declared it to be a monstrous invasion of the rights of the subject,⁸¹ an invasion of their liberty; so strong was the feeling against it that many agitated to petition against the Act altogether. He (Mr. B.) had in Parliament, and out of Parliament, raised his voice against it, and he would continue to do so, as a duty to his Sovereign and his country.⁸² I also raise my voice against such an admission, because, Sir, I believe it is the way to lead from one agitation to another. If those whose duty it is to see that these insidious attempts are not successful, allow these improper principles to be announced in a speech from the throne, and echoed in the reply of the Parliament, Sir, we should not allow the smallest infringement of our rights, let the object of the infringement be what it may.⁸³ It was therefore better to take alarm at the first step, whatever may be its objects.⁸⁴

Ironical cheers from the Ministerial Benches.⁸⁵

He ((MR. BALDWIN)) had heard ironical cheers of the gentlemen opposite and he supposed they referred to some sort of assent which he had given to ((t))his matter in a previous Parliament; but those gentlemen knew well under what circumstances it was done, and he denied that any constitutional assent had been given.⁸⁶ I understand those cheers, but let not gentlemen halloo before they are out of the Wood. The hon. member for Leeds knows more about that matter than I do and I see the hon. member for the North Riding of Lincoln also; he made some curious revelations in the last Parliament, which did not show that there was much cordiality in that consent. But admitting it, the Parliament is the representation of the people but it has no right to⁸⁷ depute its power, - by its own act it could have done this, but it could not transfer its authority by a resolution - (cheers.) With respect to Lower Canada, what was the character of the legislature which made this appropriation to the Crown? He would ask the Members of Lower Canada whether they would admit the authority of such a Legislature to transfer a power over the money of the people of Lower Canada to any hands much less to a tribunal 3,000 miles away? - ⁸⁸

Loud cries of Never! Never! ⁸⁹

((MR. BALDWIN continued:)) Did they not repudiate the act? - He was sure that the hon. members for Lower Canada on the other side would not justify such an Act.⁹⁰ I trust the hon. member for Sherbrooke will

not assume that that legislature had the right to transfer their power; if he does, all I can say is, he will very much deceive me. I trust no member will come out and say, that this was a constitutional mode of appropriating the property of the people of Canada.⁹¹ He (Mr. Baldwin) when he rose had paused for certain explanations from the hon. gentlemen opposite.⁹² Sir, I was perfectly surprised to find the Governor General advised to tell us "The charge," &c.⁹³ Having done so, he had presumed that they were prepared to answer that House. Now was the time when explanations should come. Could any one point out a precedent where a ministry failed to avail itself of the earliest opportunity to make these explanations which the Parliament had a right to expect. He had looked more particularly towards the hon. member for Ottawa.⁹⁴ Can any gentleman point out a precedent during the last fifty years, in which a minister in the position of the hon. member for Ottawa, did not take the earliest opportunity of giving those explanations which Parliament expects from gentlemen in his circumstances. He had divided on the question upon which the late ministry resigned with his hon. friend for the 1st Riding of the County of York, and it⁹⁵ doubly behoved him to take the first occasion to explain under what circumstances he sat there and to free himself of the imputation of having sacrificed his principles.⁹⁶ The hon. member for Ottawa, had moved an address to His Excellency, "expressive of their regret, at the retirement of ministers, on account of the appointment to offices, of persons in whom they did not place confidence." Now, Sir, I want to know of the Solicitor General what are his present opinions, and how, if he would not have voted for that address, he explains the position of the hon. member for Ottawa placed so comfortably cheek by jowl by the side of him⁹⁷, such good friends.⁹⁸ It would be the most ungrateful thing in the world, were I to forget my hon. friend the member for Megantic⁹⁹, so unhappily prevented by indisposition from recording on that occasion in his seat in Parliament, his approbation of those principles which he had shared with them (the late Ministers) and so often advocated. Had it not been for that indisposition he would no doubt have voted with them, he had taken the stand with them, and he could not do him the injustice as a man, much less as an old colleague to suppose he would not have done so - 100 for he was one of those who took the stand which led to its proposal.¹⁰¹ (Ironical cheers.)¹⁰² I must however confess, that previous to my attention being called to that gentleman, my eye was more particularly turned to the Attorney General, who, however, as he is a young member and a young minister I have great hopes of, and even if he should chance to make a trip he has the Solicitor General to pat him on the back, whose long experience, and clear sight, will always enable him to detect an error; but he is not a member of the Cabinet, perhaps the hon. member for Megantic or the hon. member for Ottawa, or that venerable Member of the Cabinet who has no seat in this House or, for aught I know, in any other, will explain the reason why.¹⁰³ He (Mr. B.) had searched the records of the English Legislature, and during a period of fifty years, found no

instance of a Ministry not coming forward to define their position.¹⁰⁴ I expect shortly to have explanations right through the Cabinet, from the Alpha to the Omega. I wish to know whether the gentlemen opposite feel themselves to be heads of departments, or merely head clerks in those departments.¹⁰⁵ He wished to see them in a true position; they certainly seemed peculiarly situated.¹⁰⁶ I cannot help looking at one of the paragraphs in the address as particularly suspicious. I find, Sir, that in England the Sovereign has never any objection to touch upon the word Cabinet, but in the Speech from the Throne I find, what I fancy to be, a strange avoidance of the use of that term.¹⁰⁷ There was therefore nothing to show the responsibility of those in office, which the people of Canada had a right to expect.¹⁰⁸ I wish to know whether they are to consider themselves (and I particularly ask the hon. member for Megantic) a government, as far as respects local matters, precisely in the sense understood by the word government in England.¹⁰⁹ For ((were)) the powers of a Canadian ... co-extensive with those of an English Ministry as far as related to local affairs?¹¹⁰ I want the hon. members from Ottawa and Megantic to answer;¹¹¹ and the House had a right to expect that they would¹¹². I want to know from him, how he, so great an opponent of responsible government, should be found the yoke fellow of the gentlemen around him.¹¹³ The hon. Solicitor General for Canada West was wont to look upon Responsible Government as one of the greatest evils, as a "trap set by knaves to catch fools," did he think so still? - and if so what were the stipulations which placed him by the side of the honorable Attorney General East.¹¹⁴ (Cheers.)¹¹⁵ He trusted that they would be found careful Ministers, and whatever opposition they might meet with from him, would be only such as was absolutely necessary to preserve the rights and liberties of the country, rights which were dear to all and as Britons should be doubly their pride to enjoy; which he hoped would be long continued to us as subjects of the British Empire, which he trusted we should ever be. That House was called upon to say in reply to the Speech from the Throne, "That this House fully confides in the declaration of His Excellency, that he will continue to administer the charge entrusted to him by Our Most Gracious Sovereign according to the acknowledged principles of our Provincial Constitution and with a view to the wants and wishes of the community." He (Mr. B.) would like to know how hon. Members could reconcile such an admission with the fact of the Government having been carried on for nearly ten months by one head of a department, and two persons holding office as Executive Councillors. In the form of Government laid down by Lord Durham, as necessary for this Province, it was said that the Administration of Public Affairs should be carried on by heads of departments, in lieu of the rude machinery of an Executive Council. But in defiance of this recommendation and the practice pursued at home, in defiance of Lord Durham's Report, of the Resolution of 1841, there had been for ten months but one head of a department appointed.¹¹⁶ They have had the promise repeated over and over again that those principles will be carried into effect, and as long as generalities are dealt in they have them from

the heavens by showers; but when they want those reduced to practice then there comes doubt and evasion. However, he hoped that all those doubts were about to be removed.¹¹⁷ Now Sir, with these facts staring us in the face,¹¹⁸ he would ask of many members on the other side if they did not condemn the interregnum as inconsistent with all the principles of Responsible Government? He would ask of them if they had not condemned it, and he believed some had declared their disapprobation of it; and how could they now by voting for this resolution set the seal of approbation upon the course pursued?¹¹⁹

"Name! Name!"¹²⁰

((MR. BALDWIN said:)) He would name them; he understood that the hon. members for Drummond and Niagara had condemned it from the hustings, and others had been named to him as having done so likewise.¹²¹ He supposed that when called upon ((by)) their constituencies they had done so; but they had no intention of redeeming their pledges, now that they were returned. (Hear.)¹²²

MR. HALE called the hon. gentleman to order; it was altogether irregular to make such an imputation of bad faith towards the Member for Drummond, who was not that night in his place.¹²³

MR. BALDWIN endeavoured to explain away the imputation, by an almost exact repetition of the charge; but he appealed to Mr. Hale whether he was in the habit of making imputations upon hon. members.¹²⁴

MR. HALE - Certainly not.¹²⁵

MR. BALDWIN continued, in the Speech from the Throne, it was said, "on the occurrence of vacancies in several of the most important offices, of administration, I immediately endeavoured to fill them by the appointment of gentlemen supposed to possess the confidence of the people."¹²⁶ Extraordinary obstacles procured a delay in the accomplishment of that purpose, notwithstanding my incessant exertions to effect it." He denied that any such difficulties had existed; if there had been such difficulties as suspended the formation of an administration for nine or ten months, it was tantamount to a dissolution of the Government. It was a reflection upon public men and upon the Province at large, if none could be found willing to take office. But did not this excuse resolve itself into the fact that the head of the Government could not get men suited to his own wishes? whether he had not sought rather to select those possessed of his confidence than of the confidence of the people. If difficulties had been found it was because the Governor General had not taken that course which the constitution pointed, but gone directly, against it; that House was the great Council of the land, and could have advised him, but instead of calling it together His Excellency had kept away from them altogether, and carried on the Government in a manner altogether unconstitutional. If such difficulties existed, and he denied that they had, why had not

the hon. gentlemen on the Treasury Benches advised the Governor to call upon that Parliament to assist him in surmounting them?¹²⁷ It is not consistent with truth to say that the Governor General has carried on the Government in a constitutional manner. After this long lapse of time we find those benches occupied. Why were they not occupied before?¹²⁸ One of two things must have been the case - either the Head of the Government did not send for the honorable gentlemen themselves, at that time, or the honorable gentlemen, being sent for, did not choose to accept office, in either case they were between the horns of a dilemma; as public men, they were not justified in refusing office, although like many others, who had felt themselves called upon to obey the summons, they might much rather have remained in private life, than take upon themselves the responsibilities of (sic) once. Whether office had been offered to honourable gentlemen at the breaking up of the late Administration, or only at the period from which their commissions dated, there was equal reason for the withdrawal of the confidence of that House; no matter whether the fault lay with all or only one - whether with the hon. member (sic) for Megantic, or the rest of His Excellency's advisers. It was their duty to have been prepared with those explanations which they had refused. There was no time like the present for making such explanations; and they might now, being all equally to blame, divide the cake among them. He had already pointed out the suspicious terms in which the Speech from the Throne was worded, and filled up as the Administration had been, he doubted if it would continue in a constitutional course. He well remembered the rumours prevalent towards the close of the last Session, one member and another member of that house sent for, and the wretched system of earwigging which was adopted.¹²⁹ I looked in vain, Sir, to hear that you had been sent for; I was once even about to ask you whether you had been sent for.¹³⁰ He was not desirous of embarrassing the head of the Government - (Ironical cheers) - unless an unconstitutional course was entered into, and then, in spite of the ironical cheers of the gentlemen opposite, he would do his duty. He would ask that house whether the Sovereign of England would send for fifty or sixty members, or what would be equivalent to 500 or 600, to chat over all sorts of little things connected with the State, but would he not rather have sent for some leader of a party, and asked him to prepare the programme of an administration.¹³¹ Now, Sir, I want to know whether the administration has been formed in accordance with a course like that.¹³² He looked in vain among the ranks of the Government for one man who was the leader of a party and how are they supportend (sic) in the House?¹³³ I would rather, Sir, have seen you on that bench.¹³⁴

((DR. DUNLOP:)) - Cheers.¹³⁵

((MR. BALDWIN resumed:)) I am glad to hear that Cheer from the member for Megantic.¹³⁶

((MR. DALY:)) No.¹³⁷

((MR. BALDWIN continued:)) well then, from the member for Huron - I am doubly thankful, because he was ever opposed to the principle of Responsible Government.¹³⁸

The Member for Huron ((MR. DUNLOP)) exclaimed - "And am so still!"¹³⁹

((MR. BALDWIN continued:)) Yes, he is so still, and I do not doubt, that, if the benches opposite were polled, there would be found a large majority of his way of thinking.¹⁴⁰ Such were the principles of those they found ranged on the side of an administration professing its desire to carry out Responsible Government in its amplest meaning. People were known by the company they kept.¹⁴¹

Hear, hear, and cheers, from the Ministerial Benches¹⁴²

((MR. BALDWIN continued:)) - and when he found among them, gentlemen who had ever¹⁴³ opposed the cause of Responsible Government with so much talent and consistency¹⁴⁴, and who still continued to oppose it, he could not help fearing that their support was granted to a Ministry pretending to give it, with no other intention than of treading its great principles under foot.¹⁴⁵ I can, however, tell the hon. member for Huron, that the cause of Responsible Government has taken a stand in this country that nothing can shake; its prospects may be for a time darkened, but it must advance into the clear light of day, notwithstanding all the talent arrayed against it.¹⁴⁶ He knew not whether he should live to see it, but he was confident that one day the country would feel the benefit of it.¹⁴⁷ I said, Sir, that I would have rejoiced to see you on those benches, and in saying so, I spoke my real opinion; I would have rejoiced to see the leader of a party in Parliament in the circumstances in which he would have been placed in the mother country.¹⁴⁸ I would rather, Sir, have supported such an administration, than one without any character at all.¹⁴⁹ I don't understand this administration.¹⁵⁰ The present Ministry had been called a Reform Ministry, he fancied he saw the hair of the Honourable Member for Montreal, Mr. Moffatt, stand on end at the idea of being connected with a Reform Cabinet. There was his (Mr. B.'s) old school-fellow, the Member for Simcoe,¹⁵¹ I am sure that if his constituency heard him talk of Responsible Government they would suppose that he was out of his senses; and I might mention other hon. members who would equally surprise their friends.¹⁵² And yet they had been told by the seconder of the Address, the hon. Member for Beauharnois, that the character of the Ministry was that of Reform; he warned the Members for Montreal and Simcoe to have nothing to do with Reform, not to support such a Cabinet - (hear, hear.) But he was certainly afraid that although they had hung out the colours of Reform, they would be found in the end good staunch Tories!¹⁵³ Sir, I have confined myself to those topics which were pressed upon us by the address, for I

wish to offer no unnecessary opposition to the gentlemen opposite.¹⁵⁴ Having thus considered those parts of the speech on which they had considered it necessary to prepare an amendment, he would close by moving it. And here he would beg to assure the honourable gentlemen on the Treasury Benches that although he desired to see the government carried on constitutionally, he would offer no factious opposition to them, but judge their measures by their intrinsic merits. He would not profess to have any confidence; but it was one thing not to have confidence, and another to offer factious opposition. He trusted the House would consider attentively the points in the Address which he had pointed out as being unable to support, not captiously, but on account of the constitutional principles involved; this was not a party question, but one in which the ... whole country was concerned, and it was imperative upon the new Parliament to show the country at large that it was not regardless of the great principles of the constitution.¹⁵⁵ And I call upon all those who are attached to the principles of Responsible Government, and all those who see that it is only by that principle that the Government can be carried on, to give me their vote upon these amendments.¹⁵⁶

(14)

Amendment to
Address in
answer to
Speech.

The Honourable Mr. Baldwin moved, in amendments, seconded by Mr. Cameron, That that part of the original motion beginning with the word "this House is gratified that an early period has been selected," and ending with the words "important functions devolving upon them" be expunged, and the following inserted in lieu thereof:

"An humble Address be presented to His Excellency the Governor General, to return His Excellency the thanks of this House for His most gracious Speech from the Throne at the opening of the present Session of Parliament.

"To assure His Excellency that while we rejoice that he has assembled Parliament at an early period after the completion of the recent General Election, and at a convenient season for the discharge of the important functions devolving upon us, and warmly participate in the satisfaction expressed by His Excellency at the opportunity thus afforded of devoting ourselves to the care of the great interests committed to our charge, we should be wanting in due attention to the sacred trust reposed in us by our country, as well as in duty to our Most Gracious and Beloved Sovereign, were we to refrain on this occasion from expressing frankly to His Excellency our deep regret that he should, under the circumstances in which the Province was placed, have been advised to remain so long without resorting to the counsels of Parliament."

And a debate arising thereupon,

MR. MALCOLM CAMERON expressed his gratification in seconding the motion. In referring to the period of calling parliament together, if there was one subject upon which the whole press and people of Canada were unanimous, it was this. But there was one subject upon which the modesty of the hon. gentleman had prevented his dilating, to which he must refer, - he alluded to the legislation of the late ministry. When those gentlemen who were now in opposition, were at the head of public affairs, they commanded the largest majority ever conceded to a ministry in this colony; unexampled peace prevailed in this country. There were no riots then; no bloodshed in the streets; they had not banded together secret societies, and pitted one man against another. (Uproar.) They had given to the country a measure which had been demanded in vain for twenty years, the Bill for the protection of Canadian Agriculture, - was it not the late ministry who imposed a duty upon American produce?¹⁵⁷

No, no.¹⁵⁸

((MR. CAMERON continued:)) Was it not the late ministry who procured the duty upon American wheat, and secured the carrying trade to Canada?¹⁵⁹

No, no.¹⁶⁰

But he ((MR. CAMERON)) said yes. Was it not the late ministry who extended their support towards the agricultural societies of the province? He wished to know why some alteration was not suggested in the juror's law; it was notorious that in Upper Canada, no man dared to go into court, because the power of summoning the jury was in the hands of the Sheriff. The late government had introduced municipal corporations and townships' corporations, which had been alluded to in the highest terms in addresses to the Throne; and he (Mr. C.) believed that no government would be sustained by the country without it brought forward some municipal law. The hon. gentlemen took credit to themselves for the increase in the revenue; the peculiar credit was due to the levying of a duty upon tea passing through the United States, and other measures which the vigilance of the late ministry had suggested, whereby the revenue of the City of Toronto was raised from £20,000 to £50,000. Such had been a few of the measures of an administration so liberal and so popular as the last. But the hon. gentlemen now on the treasury benches seemed to think that they had only to come before the country with a profession of principles, without acting up to them; they had come forward and having altered the name of certain measures claimed them for their own. He believed that they would not ably support the bill for the opening of King's College. He objected to the long ministerial interregnum, and to the want of explanations concerning it. No party leader had been sent for to form an administration; the President of the Council had told the house that it would be

completed in a few days, and yet, in defiance of all these promises, the house was dissolved, and nearly a year passed over without the formation of a cabinet. Unless responsible government was honestly carried out, the people of Canada would not be satisfied. The Governor General, in his answer to the men of Gore, had defined it according to his idea; he had acknowledged the right of the council to be consulted on all adequate occasions; but was it to be left to his oriental ideas to decide what was an adequate occasion. But his advisers had counselled him to withdraw from this position, and in reply to the county of Russell he confessed the right of the Council to be consulted on all occasions. And yet they were told responsible government had been conceded. The interpretation of responsible government, as given by Lord Stanley in the House of Commons, was party government, and that was the definition put upon it by the late ministry. Responsible government had been carried out without one head of a department, for the Secretary could not be called the head of a department. The money of the Province had been invested in banks, without security, and might have been all lost; and now that house was called upon to be thankful, and approve of all these things. He perfectly agreed with his hon. friend (Mr. Baldwin) in his remarks on the civil list. With regard to the making of a road for compensation to Kingston, for the removal of the seat of government, he must express his opposition to the principle. If such a precedent were allowed, Toronto and Quebec would be claiming roads, railroads, and canals too, and with more justice, for they had held the seat of government longer than Kingston. He called upon the members from Upper Canada to say whether such a road as that proposed was required. The proposed road, after an immense expense, would be useless for all but about thirty miles out of Kingston.¹⁶¹ He had seen political jobbing in that House - (Hear, hear) - and he looked upon this measure as a mere job to please a party, and as such he would not support it.¹⁶²

MR. SOLICITOR-GENERAL SHERWOOD alluded to the objection taken by the hon. member for the Fourth Riding of York to the manner in which the Address had been brought before the House, an objection which he asserted to be utterly groundless. The government had followed the course on the present occasion which had been pursued by Sir Robert Peel in 1835. At the opening of the British Parliament in that year, the proposed address in reply to the Speech from the Throne had been moved and seconded by gentlemen (sic) of the House, supporters of the Administration, and it was not until Lord Morpeth had proposed the amendment for the opposition that Sir Robert Peel rose in his place to explain the circumstances under which the Government had taken office, and to vindicate its proceeding. Having, therefore British practice, to which the hon. gentleman appealed, to justify the course taken by the Government on the present occasion, he trusted that the hon. gentleman opposite would at least withdraw the objection which he had made to the manner in which the address was introduced. The hon. gentleman with all that peculiar irony in which he sometimes indulged, had attempted to throw ridicule

upon the position occupied by the present administration, and had asked how could he be justified in placing confidence in the professed intentions of men to carry out the principles of Responsible Government who had been the determined opponents of that system. He confessed that he had been an opponent of Responsible Government - as he feared that its introduction into this colony would be attended with disastrous results. When he opposed, he acted honestly in his opposition; but when he found that the Home Government had interwoven that system with our colonial constitution, when it had been fully conceded to the country, was it not their duty as honest men faithfully to carry it out. (Hear, hear). Let hon. gentlemen remember the opposition given in England to the Reform Bill by Sir R. Peel, and by the Great Captain of the age, the Duke of Wellington, and he would ask who were now so successfully carrying out the principles established by that bill, but those distinguished statesmen. They hesitated not to declare, in the very debate to which he had already alluded, that notwithstanding the opposition which they had given to that bill while it was before the Legislature of the country, since it had become the law of the land, they would carry it out in good faith, as honest men. But those who call themselves par excellence, the reformers of the country, sought to place the issue upon the danger of entrusting its administration to such hands, and for a time succeeded; an appeal to the people however resulted in the return of a large majority supporting the views of those whose names he had mentioned. Such was the position in which he was placed. He had been opposed to the introduction of Responsible Government but that system having been conceded and acted upon, he felt it his duty as a member of the Government, and a member of the Assembly, to take the constitution as given to the country, and to carry it out honestly. (Hear). The hon. member for the Fourth Riding of York had pointed to this side of the House, and had made himself somewhat merry with the idea that hon. gentlemen should claim to be supporters of Responsible Government. He might point to the hon. member for Leeds, who had for the last seven years been a firm and consistent supporter of that principle, and perhaps he was right. Perhaps his (Mr. Sherwood's) opponents were also right in the view which they took of that important question, and he wrong. Such might prove the case, and if so, he would not hesitate to give them credit for producing a state of things conducive to the peace and prosperity of the country. (Hear). But if it should happen that the bright promises made were not realized - if unjustifiable and factious opposition to the Government of the country should prevent its advantageous working, he would have the satisfaction of knowing that the course which he had adopted was the prudent and safe one, was reasonable. He had no intention of following the hon. gentleman through the speech which he had delivered in introducing his amendment. If the hon. gentleman had brought with him a stereotyped copy of his speeches before the Reform Association, hon. members might have therein read all that he had stated in his speech on the present occasion. It was not the first time that the hon. gentleman had make (sic) some provision for the efficient discharge stood (sic) forth to arraign

the Head of the Government; he had done so in an Association got up by the late Executive Council, for purposes of agitation, and by a press purchased by that Association. (Hear). The President of the Council, under the name of "Legion," had promulgated throughout the country, in a series of tracts charges of a similar description: and what had been the result? What was the state of the House? a majority had been returned prepared to sustain the Head of the Government. The hon. gentleman had spoken of Tories on the Ministerial side of the House. Who, he would ask, was the hon. gentleman who filled the office of President of the Council immediately preceding the present? Had he not written some of the most eloquent and strongest arguments against Responsible Government which had ever been urged against that system, and was he not now the acknowledged champion of the hon. gentleman opposite. (Hear, hear). If such was the case he trusted he should hear no more from the Opposition Benches on that point, but that they would permit the Government to proceed in carrying out those principles which were the acknowledged rule of Government, as they desired to carry them out honestly and faithfully. One remark he (Mr. Sherwood) would make regarding himself. The hon. gentleman who had introduced the amendment had been pleased to express his surprise that he (Mr. Sherwood) did not hold a seat in the Cabinet. The hon. gentleman knew perfectly well that the proposition to exclude the Solicitors General for the Province from the Cabinet, was entertained before the resignation of the late Ministers, and not occupying a seat in the Cabinet was the carrying out of an arrangement which they had contemplated. Nevertheless he did not hesitate to say, that with the popularity of the government, with its fate in that House, he was prepared to stand or fall. He was an officer in the Government, and although not in the Cabinet, he should feel it his duty whenever it should cease to command the confidence of the House, to retire with it from the office which he held. (Hear). With respect to the amendments in the copy of the Address read to the House, he would only remark that the first one or two were mere matters of form - supplying the omission in the first paragraph of returning thanks to His Excellency for the Speech from the throne. Some others were those of the printers. Two or three words had been inserted in the second paragraph: after the words "so early a period," in reference to the assembling of Parliament, were added "after the completion of the recent general election," as in the first mode of expression used no reference had been made to that event. He should now proceed to the consideration of the amendment which had been submitted to the House. Those gentlemen had challenged him to cite an instance in English History in which the government of the country had been carried on for twelve months in the absence of responsible advisers. He would ask these hon. gentlemen to point him out an instance in which, since the period of the revolution, a good hearted Governor had been thwarted in every endeavour to form an administration in accordance with the Constitution of the country? - (Hear.) He would ask where in British history had it occurred that a responsible minister on retiring from the Council of his Sovereign, became the chairman of an association

having for its object the forcing back upon the Crown the men who had so resigned? That was the purpose of these hon. gentlemen, and they had to some extent succeeded in embarrassing the government, but he was happy to say that the firmness of purpose and integrity of the head of the government had frustrated the attempt. But he had been asked to point out a particular case in British practice in which the country had been kept for any length of time without a responsible administration. He need not go further back than 1835 to find such a case. The Duke of Wellington in that year held for a period of two or three weeks several of the Seals of Office. - (Hear, hear.) Time was not the essence of the principle. If the seals could so have been held for three weeks they could for three months - (hear, hear.) - and if for three months, for six months. He was free to admit that such a course was opposed to the spirit of the constitution, where it could be avoided, but when every engine had been arrayed against the head of the Government - where every obstacle had been thrown in the way of his constitutional purpose, was it fair to hold him responsible for that which was the necessary result? When Sir Charles Metcalfe was prepared to form an Administration - and here he begged honorable gentlemen to mark his words - His Excellency could have formed an administration, taking its members from Upper Canada, but he could not have done so without committing what in his opinion was an injustice to Lower Canada, - he could not therefore form a ministry in which the people of Lower Canada were precluded a proportionate and fair representation. - (Hear, hear.) If, therefore, the hon. gentlemen opposite had succeeded in thwarting His Excellency's endeavour, it was no fault of his. When an hon. gentleman had come to the assistance of the representative of the Sovereign in difficulty, with which that representative was surrounded in consequence of the course pursued by his late ministers, in what manner had he been treated, notwithstanding that his long life had been spent in the cause of the country. Every exertion which could be made was made to destroy his public and his private character - (Oh!) - yes, through the medium of the press under the control of the hon. gentlemen on the opposition benches. He had been denounced as a traitor to his country - every species of obloquy had been heaped upon him - and if that man who had earned the gratitude of the country by half a century of public service had been thus treated when he felt it his duty to lend his assistance in carrying on the Government, was it surprising that others should have been deterred from the acceptance of office - and in such a case should not some consideration be extended to the position in which the head of the government was placed. - (Hear.) When His Excellency had been forced into that position, if an apparent violation of the constitutional practice was the consequence, had he not a right to throw himself upon the indulgence of the house? What other course could he have pursued. Was His Excellency to recal (sic) to his Council men who left him because he had refused to accede to an unconstitutional demand, especially when he was supported and upheld by the British Government and people? - (Hear) Was he to have recalled men who had demanded of him the surrender of that which he dared not surrender into any man's hands - the prerogative of the Crown? No. And the firmness, the patience, the forbearance and the equitable principles upon

which he had carried on the Government under such trying circumstances demanded from the representatives of the people rather their praise than their censure. If such were the obstacles which His Excellency had encountered in endeavouring to form an administration, he did not think that House was in any way called upon to vote a want of confidence in the Government. If the constitution had not been carried out in its purity, - if the principles of the resolutions of 1841 had not been strictly acted upon, the responsibility rested, not upon the heads of the present advisers of the head of the government, but upon those who had retired. It was a well acknowledged principle of constitutional law that when a ministry is dismissed by the Sovereign those who assume their places become responsible for the act of dismissal; it does not matter whether the accepting minister be cognizant or not of the act of dismissal - the responsibility attached to him is the same; but when ministers tender their resignation, and retire from the Council of the Sovereign, on them alone rests the responsibility - (hear) - and that responsibility continued until the offices, which they vacated, were filled. That principle had been laid down with much distinctness and force by Lord Brougham in the case of the Duke of Wellington. He (Mr. Sherwood) had been challenged to show one instance of a Cabinet having been formed during a vacation. He need not go further back than to the reign of George III to point out a Cabinet thus formed, but which was subsequently dissolved in consequence of a dispute with Mr. Grenville. What had been said at that time with respect to the responsibility for such an act? That the minister advising a dissolution of Parliament was responsible for that advice, and that if he was defeated, by the return of an adverse Parliament he must take the consequences, but if successful, the result would be a justification by the country of his advice. The cases then and now were precisely similar. With respect to the subject of appointments to office, in his opinion, the late ministers had no reason whatever to complain. It was their duty to themselves and to the country under the resolutions which had been recognized as containing the principles upon which the Government should be carried on, to have insisted upon carrying out the full measure of responsibility. If appointments were made which they were not prepared to justify before Parliament and the country, they should have come down at once to the House and resigned. If it was urged that the matter of such appointments was too trifling to quarrel about they were too trifling to talk about. These hon. gentlemen were not true to the trust which they had assumed, if they allowed week after week to pass away in which appointments were made which they felt they could not defend - and according to their own admission they had done so for months. They should not have waited for some time, and then made a general and an unconstitutional demand upon the head of the government; for he entering into the stipulation with them which was demanded of the Governor General would have been the surrendering of a right to which no British government would have dared to assent. The hon. member for Lanark had quoted a portion of a speech delivered by Lord Stanley in the British House of Commons, to bear him out in his interpretation of constitutional principles; but if the hon. gentleman was pleased to use

Lord Stanley's Speech to sustain his argument he should allow the declarations of his Lordship their full weight upon the question before the House. Lord Stanley, while he had expressed himself in the language quoted by the hon. member had also stated he entirely approved of the conduct of the Governor General on the occasion to which he had just adverted, that the resistance of His Excellency to the unconstitutional demand made upon him by the late Council, met with his entire approbation - (hear) - and so said every constitutional lawyer in the British Parliament - hear.) - He would now proceed to make some observations with respect to that portion of the amendment which conveyed a censure upon the head of the Government for the position occupied by the Executive during the last eleven months.¹⁶³

MR. AYLWIN - not the Governor, but his Ministers.¹⁶⁴

((MR. HENRY SHERWOOD continued:)) Why it is the subject of complaint that there were no Ministers, and therefore it must have been directed against the Governor General.¹⁶⁵

MR. AYLWIN - as many as there were of them.¹⁶⁶

((MR. HENRY SHERWOOD continued:)) Well, then, the hon. gentleman should consider the Ministers as a cabinet for all purposes whatever - (hear.) A Provisional Administration had been spoken of, and it had been the duty of that body to assume the responsibility of conducting the Government, and to render all the assistance in their power to His Excellency the Governor General. His Excellency had endeavored to form such an Administration as would meet with the support and command the confidence of Parliament; and while pursuing that equitable and constitutional course the most extraordinary obstacles had been thrown in his way to prevent the accomplishment of his purpose. If such was the fact, was the House prepared to pass the censure upon His Excellency which was embodied in that amendment? He hoped hon. gentlemen would not be deceived - that the country would not be deceived - that they would not be carried off by the cuckoo cry "Responsible Government is in danger," into a false position - into a position injurious to the best interests of the country. He sincerely hoped that the cry of "Responsible Government" was not to be made the mere instrument for the accomplishment of party purposes, like that of "Reform" had been made in England. He knew well, however, that it had been used with effect in some sections of the Province, and particularly in Lower Canada. And when he adverted to this section of the Province he wished to say nothing which would be understood as a reflection either upon hon. Members of that House, or of the constituencies which they represented; but he believed that many of the constituencies of Lower Canada understood no more about Responsible Government than - (loud cries of name! name!) - those who were so vociferous about it. - (Laughter and cheers.) He knew he would not be contradicted when he asserted that from the want of dissemination of information on the principles of Government among the people

of the Lower Province, many were not so well acquainted with the precise nature of the question at issue, as where that information had been widely circulated. He was satisfied from conversations which he had held with persons intimately acquainted with the state of Lower Canada, as well as from his own observations, that he was not far from being correct in the assertion which he had made; and to that and that alone he attributed the difficulties which had beset His Excellency in seeking to secure the services of men in whom they had confidence in the administration of the Government. He believed too that had those gentlemen now occupying the opposite benches taken a different view of the matter to which allusion had been made, they would have been equally sustained by the people. - (Laughter and ironical cheers.) And he believed that in another section of the Province the cry which had been raised that Responsible Government was in danger had led many to act contrary to their opinions on general matters, and to their interests and the interest of the country. The hon. gentleman from the Fourth Riding of York had next taken objection to that passage of the Address which referred to the Civil List, and had placed his objections in his usual ingenious way before the House - so ingenious, indeed, that perhaps some hon. gentleman might be led away by their speciousness - for he could not otherwise characterise it - and induced by the supposition that an important principle was involved (sic), to support the amendment. Now there was not a member of that House more jealous, and more anxious for the preservation of the just rights of that House than he (Mr. Sherwood) was, and most cheerfully would he unite even with that hon. Gentleman in protesting against any legislature other than that of the Colony, appropriating one farthing of the public money. - (Hear, hear). But if hon. gentlemen would advert for a moment to the circumstances of this country at the period when the act of union passed the British Parliament and received the sanction of Her Majesty, he would ask them was it surprising that in giving a Representative Government to the country, Her Majesty's advisers should have thought it necessary to secure the administrative duties of the Govt.? They knew as a matter of history that Lower Canada had just passed through a rebellion - they knew as a matter of history that some portions of the country were under martial law, and, as a necessary consequence, that the civil tribunals were closed: they knew that the people were not in a state in which they could be convened together for legislative purposes. Under these circumstances, the British Government felt, from the Report made by Lord Durham, that there was only one constitutional course to be adopted - to unite the two Provinces of Lower and Upper Canada, and to restore to the former a Representative system of Government. Lord Sydenham, a distinguished British statesman, was sent out to this country, for the purpose of carrying out the views expressed in Lord Durham's Report, and Lord John Russell took the Colonial Department, to lend his assistance to the accomplishment of the design. The Representative body had ceased to exist in Lower Canada - as he had already stated, the country was under fearful law - and the Governor felt that it was necessary some provision should be made for carrying

on the Executive Government. Accordingly a Bill was introduced into the British Parliament, in the preamble of which was fully stated the necessity of the measure, and a declaration that only such necessity would justify it - providing for the payment, out of the public revenue of the Province, of the necessary expenditure of the Government. He could not say whether such a measure was prudent; it was not necessary for him to enter upon the discussion of that point, but it was done from the apparent necessity of the case, and in the effort to restore a Constitutional form of Government to Canada. He sincerely regretted that any circumstances should have occurred (sic) to render such a departure from constitutional usage necessary. The measure, however, had received the sanction of the only legislative body then in Lower Canada - the Special Council - (hear, hear) - a Council composed of men of nobility and integrity, and whose members had suffered much more for their endeavors to maintain the Government of the country, than these who were opposed, for their attempts to subvert it. - (Hear, hear.) In Upper Canada that measure was submitted to the Representatives of the people, and a large majority declared in favor of the introduction of the provision with respect to the Civil List into the Union Bill. Lord Sydenham having thus obtained the assent of the constitutional Assembly of Upper Canada, and - he would not say constitutional, but the legal Council of Lower Canada, sent home that assent, and upon it the British Government felt justified in inserting that clause in the Act of Union in which the appropriation for the Civil List was enacted. He did not hesitate to express his opinion that it would have been better if the House of Assembly had made a permanent provision for some of the high offices in the administration of the Government - the Judges for instance, who should be independent alike of the Crown and the people - and left the remainder to the grant of Parliament. But, viewing all the circumstances of the case, the British Government had felt justified in taking the course which had been pursued, - a course which he was not disposed to arraign. During the last Session of Parliament, the house had adopted an Address to Her Majesty, praying that the Civil List would again be placed under the control of Parliament. The Legislature properly felt that the portion of the Union Act which appropriated so large a sum of the public money without its consent was a violation of the Act of Geo. III.

It was undoubtedly, however, in the power of the Parliament by which that Act had been passed and a Constitution conferred upon the country - to repeal or virtually repeal its enactments. The necessity which existed for the exercise of that power at the period of the passage of the Union Act had been, in his opinion, fully admitted in the Address adopted in the house at its last Session, a portion of which read as follows: - "However expedient such appropriation by Act of the Imperial Legislature may have been, under the peculiar circumstances of the Canadas at the period when the Act was framed, now that those circumstances have happily passed away which may have rendered it a

measure of necessity," &c. - Now, if hon. gentlemen would read with attention the words of that Address, which he had quoted, they could not fail to observe an admission that the then peculiar circumstances of the country had rendered expedient, and therefore justified the course taken by the Imperial Parliament. (Hear, hear - No, no.) That was the meaning of the passage, if the language employed had any meaning at all. If that interpretation is taken - and it fairly may be taken, and the House had received an intimation that Her Majesty (sic) was prepared to comply with the wishes of her Canadian Parliament on that point, were they to insult her Majesty by saying in reply that their rights had been grossly violated? ¹⁶⁷

MR. AYLWIN - these words have been left out.¹⁶⁸

((MR. HENRY SHERWOOD resumed:)) Yes, they have been taken out, because some of these gentlemen had felt that that language was rather too strong to be used even by them on such an occasion. But the language of the amendment still conveyed an equally strong and unjust censure. When the hon. gentleman opposite (Mr. Baldwin) did not feel it necessary to use such language during the last Parliament, when he was in power, and when the subject was submitted by an address of the House to Her Majesty - when he then did not feel it necessary to hold such language to his Sovereign, why was that House now called upon to adopt that contained in the amendment, now that Her Majesty had assented to the wish of her Parliament? If the claim put forth in the address of the last Session had been resisted, hon. gentlemen might perhaps have used as strong language as they liked; but was it just, was it courteous to introduce censure when returning thanks for a boon which has been granted. - (Hear, hear.) All that the House had asked had been surrendered to it, and if the matter had stopped there, it might have been unnecessary to say another word. But it was usual in replying to a Speech from the Throne, to advert to the several topics embraced in it; it was therefore deemed necessary to insert, the reference to the civil list in the address, but he hoped in acknowledging the grant they would not use stronger language than had been used in applying for it. If hon. gentlemen thought that they were in a strong position - in such a position that they could afford to use such language to the Sovereign, he had no doubt they would find themselves mistaken. The next objection which had been made, and treated upon at some length, was to what hon. gentlemen were pleased to term the interregnum. That subject he had already treated of. But the hon. gentlemen had referred to the offers of office which were made to parties with the view of forming an administration, and had made it a charge that His Excellency did not think proper to call Parliament together for its counsel and assistance. The hon. gentleman, too, appears to think that the existing administration might have been formed at a much earlier period, having no doubt that the gentlemen on the treasury benches would as readily have accepted office at an earlier period as at the time when their Commissions were dated.

Perhaps the hon. gentleman is aware that those gentlemen had accepted office as soon as it was proffered to them; and perhaps he is aware that according to the principles of Responsible Government which he is so desirous to see carried out, his Excellency could not have dissolved Parliament or called it together without having ministers prepared to assume the responsibility of the act - (hear, hear.) His Excellency's present advisers could not have advised him again to assemble Parliament. They knew how the majority in the Legislature had been obtained, especially in Upper Canada, and were not prepared to submit to the action of a body which they felt misrepresented the people. In that opinion they had been fully borne out by the result of the recent general election. The hon. gentleman opposite had referred to his hon. friend and he might say colleague, the hon. member for Megantic and had charged him with supporting the views of the late ministers upon the subject which led to the resignation, but afterwards deserting them. Now if the hon. gentleman had stated that relative to certain proceedings in Council, he had done that which by his oath of secrecy as an Executive Councillor he had no right to do, and had not acted either in accordance with the principles of Responsible Government, or with much advantage to public morals - (hear, hear.) It was a fact only known to the House and to the people, that certain ministers of the Crown had come down to Parliament and tendered their resignations of the offices which they held, and that the honorable member for Megantic was not one of that number - therefore he could not have acted in the manner stated by the hon. gentleman from the Fourth Riding of York - either that or he had disclosed what he evidently had no right to do. That hon. gentleman occupied a high and a proud - (hear, hear) - aye, and a proud position in that House - (hear, hear.) He had not hesitated to return to his constituents, and had been returned to that House by an overwhelming majority. What was the position of the honorable gentlemen, who were the colleagues of his hon. friend from Megantic? - They too had returned to their constituents, and what was the result? The hon. member who had moved the amendment - the leader of her Majesty's opposition - came out of the struggle, even in his stronghold, with a much decreased majority, and would have been worsted, in his (Mr. Sherwood's) opinion, had more strenuous exertions been made. (Hear, hear.) The late Solicitor General for Upper Canada also returned to his constituents - to a county where he usually counted his majority by hundreds, and was returned by only thirty-two. (Hear, hear.) The late Receiver General, too, one of the most popular of the late ministers, had sought a re-election, but experienced an overwhelming defeat. And when the honorable gentleman spoke of the members of the Government not possessing the confidence of the people - he would refer him to his hon. friend from Ottawa - a gentleman who had the boldness, the honesty, and the patriotism to come to the assistance of the Governor General, notwithstanding the reproaches and the obloquy heaped upon the head of every man who dared to differ with the late ministers - he had returned to his constituents and was elected by acclamation. The hon. the Attorney General had gone down to his constituents - to a county which he had never before represented, and was returned by a

sweeping majority: and were these not evidence of support? They had, too, been sustained by the country, as he had no doubt the division would fully prove, and would, therefore maintain their position, and the constitutional course which they had pursued.- There were a number of topics which he had not yet touched upon, but he would not now occupy the time of the House, as he had no doubt other gentlemen were anxious to give expression to their views upon some other important subjects under discussion, and some other opportunity would be afforded him for taking up those matters which he had now omitted. The honorable gentleman concluded by thanking the honorable gentleman from the Fourth Riding of York for the manner in which he introduced the amendments.¹⁶⁹

DR. DUNLOP said, that in the remarks which he should have to offer on the subject before the House, it could not be expected that he would be able to cope with the Hon. gentlemen who had addressed the House at so great length, or to follow through the arguments which they had prepared to bring before the House. His object in rising, was to take up some matter which had not been trenchd upon. He thanked the Hon. gentleman for the Fourth Riding of York, for the able and temperate manner in which he had addressed himself to the House, and he was pleased that the Hon. gentleman had enlivened his speech with some touches of very good humor - for he confessed that he liked a little of that humor, even although he himself should be the subject of it.¹⁷⁰ He could not say quite so much for the gentleman (Cameron) who "followed his leader." Nor could it be expected, for he (Cameron) was six inches shorter than his "captain," and little folk were apt to be snappish. (Laughter.) He (Dr. D.) should set out by first replying to what had fallen from the hon. ex-Attorney-General; and afterwards he would take up the arguments advanced by the hon. member for Lanark (Cameron.) In the first place, then, he had a slight objection to his (Baldwin) mentioning English instead of British practice - he (Dr. D.) being a native of that nation which gave kings to England, did not like to find the one end of the island superceded and swallowed up by the other. (Hear, hear.) The hon. gentleman had stated among many other fine things, that he and his co-ministers were advocates for economy - this he (Dr. D.) frankly admitted - they were advocates for economy, but at this age of improvement and division of labour; they preached the theory but left their neighbours to practice it.¹⁷¹ The Hon. gentleman had entertained the House a good deal upon the subject of Responsible Government. In fact, the Hon. gentlemen on the opposite benches had done all the talking on that subject; he trusted that the gentlemen on the treasury benches would practice it, and that would make a vast difference between the two. (Hear! hear!) The Hon. gentleman had also made an objection that Parliament had not been assembled at an earlier period. What period had been selected for the meeting of the last Parliament? It had not assembled until within six days of the time when it would have ceased to have a legal existence. (Cheers!) The Governor General had told the House on the present occasion, that

extraordinary obstacles had intervened, and they were bound to believe His Excellency's assertion. But pray what obstacles intervened to prevent the earlier meeting of the last Parliament? (Hear!) The only reason was that the Hon. gentlemen when in power desired to put off as far as possible the evil day. And really people who lived in glass houses should not throw stones.¹⁷² Another thing that he had learned from the hon. gentleman, and for the first time, was that our privileges as colonists, in parliament and otherwise, were inherent and congenial with us as British-born subjects, and did not depend upon any act of the Imperial Parliament granting them to us. Was it possible the hon. gentleman was not aware that forty years elapsed after the capture of this country by the British forces, before Canada had any constitutional privileges whatever! (Hear.) Where then were the inherent privileges to a generation who were born, lived and died without ever enjoying those inborn privileges? Was the hon. member not aware that the British Empire possessed colonies, commonly called Crown Colonies, where the government was carried on under and by a Governor and Council, appointed and directed from Downing-street! Was the hon. gentleman not aware that the destinies of the greatest empire on earth - China perhaps excepted - he alluded to our Colonial possessions in India - was ruled by twenty-four merchants assembled in a narrow, dirty, smoky lane in the city of London? Where, he (Dr. D.) would wish to know were the "inherent rights" of Her Majesty's subjects, uative (sic) or imported, in all these appendages of the British Crown? Had the hon. gentleman chanced to have lived in these portions of the British dominions, he would soon have been taught by experience the precise value of what he boasted here as "inherent rights!" Another "simple sin" in the Governor-General and his Ministers, was the Civil List, forsooth! Were they to blame for creating this monstrous anomaly in the British Constitution! - of taxing us without our own consent! No, Sir! it was an emanation of that ministry of the Empire which bestowed upon us responsible government, and it was the first condition of our enjoying that inestimable blessing. (Cheers.)¹⁷³ Before the institution of Responsible Government that House would have spurned the idea of such a thing as the Governor General having the sole power of originating money-bills. Now they must go to His Excellency to learn if he will be pleased to allow them to spend their own money. (Hear.)¹⁷⁴ The house and the country will admit, certainly, that we bought that "great boon" at an amazingly cheap rate. - (Loud cheers.) As for Lord Durham, so lauded to the skies, he (Dr. D.) had never penetration enough to give his lordship credit for the virtues and talents ascribed to him. The British Ministry sent his lordship (sic) out here, because they found him a nuisance at home - he came here with a tail of jail-birds, whom he succeeded in billeting on the country - his whole conduct, while here, was just what might have been expected of a Radical peer, - haughty, supercilious, and tyrannical.¹⁷⁵ ((Lord Durham)) had paraded through the Province, and had written a report upon the state of the country - a very neat report as his admirers thought, in which was recommended the establishment of a system of Responsible Government and in

consequence that system was introduced.¹⁷⁶ But "nil mortuum nisi bonum" - it was to be hoped he is now with the Lord. Mr. Baldwin had done him (Dr. D.) the honour of quoting his dictum that "Responsible Government was a trap set by knaves to catch fools" - and a very well set and baited trap it had been, for many a simpleton had it caught. He (Dr. D.) had written that sentiment in a letter to a friend, and never intended it for the public eye - but, thank God, he never had said any thing in private which he cared not one straw, were it "cried at the cross."¹⁷⁷ But with respect to the responsibility of ministers, he contended that one minister only, advising the Crown, was as fully responsible a((s)) though the cabinet was full.¹⁷⁸

MR. AYLWIN - Certainly!¹⁷⁹

((DR. DUNLOP continued: -)) I am glad to learn that the honourable gentleman from Quebec has found it out. Every body has read that Charles I. fancied he had relieved his Chancellor of responsibility, by holding his seal of office in his own hands, while he applied it to an unconstitutional instrument; and every body knows that the Chancellor was as much responsible for the act as if he had himself applied the seal. It was his duty to have informed His Majesty - that being personally responsible to the people for every act to which that seal was affixed, he must resign it into his Sovereign's hands before it should be applied to a purpose which he was unprepared to defend (Hear). That was the true principle of responsibility. An Hon. gentleman on the other side of the House had asserted that those who had been returned favourable to the administration, had been returned only by adopting the principles and measures of their predecessors. As far as he was concerned he could say that had he either avowed the one or supported the other he would not at the present moment be standing on the floor of the House. Hon. gentlemen opposite appeared to prescribe Responsible Government for every thing. Administer Responsible Government says the quack doctor - it will cure the rust in your wheat - it will prevent failures of your crops - it will improve your roads, and so on - (Laughter). Now he was opposed to Responsible Government, yet he claimed to be a Reformer - not a theoretical, metaphysical, but a practical Reformer. He desired not to see a reform of words and names, but of abuses. He would like to see great reforms, and to see them begin at the head. He would like to see the Crown Lawyers attend to the legal business of the country. Before that great blessing, Responsible Government, had been introduced, the Attorney General used to attend to the legal business of the country. Now he has to attend to business of government, - and gets paid for that which he does not do, and does that for which he is not paid, while bills were poured in upon them for a battalion of Queen's Counsel, who were occupied in doing that which properly belonged to the Crown Officers.¹⁸⁰

Cheers from both sides of the house.¹⁸¹

((DR. DUNLOP continued: -)) There were several others, but perhaps they were vulgar, as being useful. He should like to see a reform in the Crown Lands Department - so that when an honest man paid his money for a piece of land he could get his deed¹⁸² in something less than twelve months, or may be a couple of years, according to luck or circumstances, - (hear, hear,) -¹⁸³ If one man bought a piece of land from another, he could get a deed, but when he buys from the Crown, no such thing. The Crown Lands Department says it is the fault of the Attorney General; the Attorney General says it is the fault of the Patent Office, and the Patent Office attributes all to the Surveyor General's Department; and amongst them it is - but a reform in the matter is sadly wanted.¹⁸⁴ He (Dr. D.) would reform nearly every public department, but his reforms would be palpable and tangible as regarded utility, not theoretical and metaphysical like those of the hon. gentleman and his "eminent" coadjutors. The hon. gentleman had most discreetly in his (Dr. D's.) opinion translated for the benefit of country members the Roman adage "noscitur ex sociis" - if the hon. member wished to maintain his character for loyalty, he would preach but little from that text, seated where he was! (Hear, hear.)¹⁸⁵ The other hon. gentleman (the member for Lanark) had been prodigiously great indeed! he had long enjoyed the title of "the modest," and in this night's debate, that well-earned attribute had shone forth conspicuously. (Hear, hear.) He (Cameron) had told us that the Ministry of which he was a pendicle - (Laughter) - had carried the greatest majority ever known in the country; true, they did till the people were appealed to, and, throughout both provinces, but more especially in the Upper, the great majority of the supporters of that Administration were kindly permitted to stay at home and mind their own affairs, which, it was to be feared, had suffered no small detriment from their devotion to office, and were not asked to wade through the mud and snow to Montreal, to take charge of the business of their neighbours. (Laughter.) But the most extraordinary part of the hon. member's speech was, that the peace of the country was profound under the "eminent" rule of the former Administration, while the mis-rule of the psessent (sic) had caused outrage and bloodshed! He (Dr. D.) was getting old, and perhaps forgetful, but he had an indistinct, hazy recollection of certain rows and riots that took place during the former election - which riots, if he (Dr. D.) could remember rightly, have hardly been surpassed by those of the more recent occasion. The hon. member takes great credit to himself for laying a duty on American produce - if the obliviousness, of which he (Dr. D.) was conscious, had not obscured his recollection, that measure was proposed by Mr. Harrison, during the administration of Lord Sydenham - at all events, it was supported by himself (Dr. D.) and opposed generally by the members from the Lower Province, who never rank themselves on the same side with the hon. gentleman. (Cheers.) Another matter on which the hon. and diminutive gentleman had taken great praise to himself and friends for, was the Jury Bill, which professed to prevent a corrupt Sheriff from packing a Jury: he (Dr. D.) had the honour of having been for eighteen

years a magistrate for the whole of Upper Canada, and during the whole of that long period he had been actively engaged in discharging magisterial duties, and he never heard a complaint so much as whispered against the partiality of a Sheriff. (Hear, hear.) The only rational basis of Legislation was necessity. In his own country, a similar bill had been introduced some four-and-twenty years ago, and the result of it was nothing but unmitigated mischief. (Hear, hear.) But of all things of which to take credit to themselves, is that wretched abortion the new Municipal Bill, brought in by the hon. gentleman's hon. friend, THE HYENA.¹⁸⁶

The Doctor was here interrupted by vociferous cries of "Order, order," from the opposition or "late Administration" benches¹⁸⁷.

His honour the Speaker ((SIR A. MACNAB)) ... decided that Dr. D. was not out of order, though at the same time suggested that a more decorous tone of remark would be preferable¹⁸⁸.

The Doctor ((DUNLOP)) bowed to the Chair and resumed. The Municipal Corporation Bill, the Doctor continued, was a wretched abortion. (Hear, hear.) It was utterly impracticable; and, if practicable, would have been inexpressibly mischievous. He (Dr. D.) had made a calculation of what would have been its effects in his own district, in which there were three-and-twenty townships; and it would require one hundred and thirty-eight men to manage the local concerns of that district, at an expense, at the lowest computation, of £516 per annum - and when that expense and trouble had been gone into, what then? why just that we must add to it the present system of a District Council composed of the Wardens of Townships, as District Councillors and to have the expense and trouble of our present system superinduced on the former one. (Hear, hear.) As to the increase of revenue, he (Dr. D.) was happy to add his testimony that it was greatly enlarged; and he was called upon, and would willingly answer that call, candidly to testify that such increase was mainly attributable to the hon. member whom he (Dr. D.) was now opposing; and, Radical as that hon. member certainly was, he (Dr. D.) would warmly recommend that the hon. gentleman be permanently placed in that situation which he had temporarily so efficiently filled.¹⁸⁹ He (Dr. D.) not being an admirer of responsible government, considered efficiency, and not the power of obtaining a seat and a vote in that house, the chief recommendation to office. (Cheers.) The hon. gentleman has told us also that members have been re-elected by following up the measures introduced by the late Administration - he (Dr. D.) did not know how it might be with other members - he had no business to vindicate their conduct, for during his whole life he had found sufficient difficulty in palliating his own indiscretions, and must, therefore, leave his friends to do the same for their piccadilloes - but for himself and his constituents, he must say, that if it were suspected that he (Dr. D.) had the slightest leaning towards the measures of the late Administration, his constituents would rather have wanted a

representative for ever, than degrade themselves and their eminently loyal district by sending a member who might, by supporting principles to which they were so totally opposed, as those avowed by the late Administration, would be entailing ruin and disgrace upon themselves and their country. (Great cheering) As to the University of King's College, he (Dr. D.) had ever been the advocate for rendering it more liberal than it is; and, if any gentleman opposite should doubt him, he would refer him to the journals, where would be found that he (Dr. D.) was the seconder of the motion on that question of the then Attorney General for Canada West (Baldwin.) The hon. gentleman plumes himself much on the appointments to office made by his friends; it would be invidious (sic), as it would be unnecessary, to mention names; but it is well known that there were many appointments made by those gentlemen (the ex-Ministry) that could be much more palliated on the score of expediency, than defended on that of propriety of justice. (Cheers.) He (Dr. D.) was utterly astonished that one single word should have come from that side of the house on the subject of corruption. (Hear, hear.) There was no charge made against the present Administration of having bought or bribed one single vote; there were rumours, however, in the public papers of one member having been bought over by his (Cameron's) party by two valuable lots of land, in a town of the Upper Province. (Cries of "Name, name!") He would not name; it was unnecessary. (Hear.) This was a report of the public press, and that is no proof for them. Editors do tell such lies, there's no believing a word they say. (Cheers and laughter.)¹⁹⁰ It is also whispered, though not so openly, that a gentleman was promised promotion in his profession, together with an increase of salary to his father (who most ably fills an office under the Crown), as the price of selling his soul to the devil, and his body to the late "eminent" Administration. (Hear, hear.)¹⁹¹ Among other crimes imputed to the Governor we are told that the funds of the province are deposited in the Banks! Of what are these funds composed? Of specie? No! but of the notes of the very Banks wherein the public funds are deposited; and if these Banks should fail, their notes necessarily would become valueless. He (Dr. D.) took leave to remark, therefore, that these notes were at least as safe in the vaults of a Bank as in the breeches pocket of the Receiver General.¹⁹² The hon. member objects to anything being done for Kingston since the removal of the seat of government; the hon. gentleman has got a new light on the subject it would appear, for he formerly recommended the identical road he now opposes. (Ironical cries of "Hear, hear!") It would have been much better, sayeth he, to have made a road from Hull to "the Chats" - possibly it might! but that is no reason why the other should not be made. He - (the Doctor) was, however, credibly informed that the hon. gentleman was himself one of a committee who asked the Governor General for the very same road which now he is foremost in condemning - (Hear, hear.) - for no other conceivable reason than that the Governor General has recommended it. (Cheers.) In fact, the late Ministry are in a most deplorable condition - the people of the mother country appreciate them at their just value - even Mr. "Baneful-domination" Joey Hume repudiated them. (Hear, hear.) They would have

been without a single voice raised in their favour in the Senate of Great Britain save for their late hired tool, the degraded and ungrateful reptile, Roebuck, who did their dirty work in the Commons for a golden fee, and would, no doubt, do so again for a like "consideration." The last remark he (Dr. D.) would make would appear, in the eyes of all right-minded men as totally unnecessary; it is the defence of our excellent Governor General against a party who are stung to the utmost pitch of rancour and calumny by the rankling effects - withered hopes and blighted ambition. (Loud cheers.) The Governor General is not for the first time in his life before the public; during the last thirty years he has been in high, exalted, and responsible situations. When he (the Doctor) went first to India - now seven-and-twenty years ago - Sir C. Metcalfe was the "resident" at Delhi, that is to say, he was at the head of the diplomacy of our Indian Empire; he was soon afterwards principal Secretary to the Government, in which situation he formally freed the Indian press. He (Dr. D.) did not give him the credit generally ascribed to him for having entirely done this, for he (the Doctor) himself had virtually freed it before. His Excellency was then a member of Council; afterwards president of that body; and ultimately acting Governor General of our Oriental Empire - ruling with approbation at least one-seventh of the whole human race. (Hear, hear.) His conduct in Jamaica is too recent to need to be spoken of. He found that country, like this, distracted by faction; he healed these differences, and restored peace where he had found discord. Give to our noble-minded Governor General but fair play and a fair trial, and he will accomplish the same results for this colony. (Hear, hear.) He (Dr. D.) had no personal knowledge of his Excellency, but all the world must see that he is far, far above the petty malice of even the most "eminent individuals" of his late "eminent" Advisers. (The Dr. resumed his seat amid the cheers of the house.)¹⁹³

(14)

On motion of Mr. Gowan, seconded by Mr. Murney,

Ordered, That the debate be adjourned until tomorrow, and that it be then the first Order of the Day.

Then, on motion of Mr. Robinson, seconded by Mr. Gowan,

The House adjourned.

FOOTNOTES - 4 DECEMBER 1844.

1. The debate on the speech from the Throne was reported by: PILOT, 6, 9 December 1844; EXAMINER, 18 December 1844, and BROCKVILLE RECORDER, 12 December 1844, edited versions of PILOT, 9 December 1844; MONTREAL TRANSCRIPT, 7 December 1844, which is shorter than the PILOT's account but otherwise identical; BRITISH COLONIST, 13 December 1844, "Condensed from Montreal Papers" and IBID., 20 December 1844, containing reports of Dunlop's speech, and a translated version of the speech the Hon. D. B. Papineau delivered on the 5th of December, originating in L'AUREOLE, 12 December 1844, and found in English translation in several papers, including the MONTREAL GAZETTE, 10 December 1844; MONTREAL GAZETTE, 5, 7 December 1844, which was identical to the MONTREAL COURIER, and copied by the BRITISH WHIG, 10 December 1844, and translated by LA MINERVE, 16 December 1844, and LE JOURNAL DE QUEBEC, 24 December 1844, and in which many speeches are reported identically with speeches in the PILOT, though others are different; LE JOURNAL DE QUEBEC, 7 December 1844; MONTREAL TRANSCRIPT, 5 December 1844; GLOBE, 10 December 1844; ST. CATHARINES JOURNAL, 19 December 1844. The GLOBE, 10 December 1844, also provides a very informative commentary on the debate, as does the PILOT, 9 December 1844. Almost without exception the newspapers published the official motions which engendered the debates as well as the debates themselves.
2. GLOBE, 10 December 1844.
3. PILOT, 6 December 1844.
4. IBID. This laughter was so boisterous and prolonged that the MONTREAL GAZETTE, 5 December 1844, noted: "In consequence of some interruption, the preliminary remarks of the hon. member were not distinctly heard in the gallery."
5. GLOBE, 10 December 1844.
6. MONTREAL GAZETTE, 5 December 1844.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. GLOBE, 10 December 1844.
12. IBID.
13. IBID.
14. IBID.
15. MONTREAL GAZETTE, 5 December 1844. This was Colville's maiden speech. Commented the GLOBE, 10 December 1844, "Mr. Colville, member for Beauharnois, a protégé of Mr. Edward Gibbon Wakefield, seconded the address. His speech was very creditable for a first appearance, and was delivered well."
16. GLOBE, 10 December 1844.
17. KINGSTON NEWS, 12 December 1844.
18. ST. CATHARINES JOURNAL, 19 December 1844.
19. KINGSTON NEWS, 12 December 1844.
20. PILOT, 9 December 1844.
21. KINGSTON NEWS, 12 December 1844.

22. PILOT, 9 December 1844.
23. KINGSTON NEWS, 12 December 1844.
24. PILOT, 9 December 1844.
25. ST. CATHARINES JOURNAL, 19 December 1844.
26. IBID.
27. IBID.
28. KINGSTON NEWS, 12 December 1844.
29. ST. CATHARINES JOURNAL, 19 December 1844.
30. PILOT, 9 December 1844.
31. KINGSTON NEWS, 12 December 1844.
32. PILOT, 9 December 1844.
33. IBID.
34. KINGSTON NEWS, 12 December 1844.
35. PILOT, 9 December 1844.
36. ST. CATHARINES JOURNAL, 19 December 1844.
37. PILOT, 9 December 1844.
38. KINGSTON NEWS, 12 December 1844.
39. PILOT, 9 December 1844.
40. KINGSTON NEWS, 12 December 1844.
41. PILOT, 9 December 1844.
42. KINGSTON NEWS, 12 December 1844.
43. PILOT, 9 December 1844.
44. KINGSTON NEWS, 12 December 1844.
45. PILOT, 9 December 1844.
46. KINGSTON NEWS, 12 December 1844.
47. PILOT, 9 December 1844.
48. KINGSTON NEWS, 12 December 1844.
49. PILOT, 9 December 1844.
50. KINGSTON NEWS, 12 December 1844.
51. PILOT, 9 December 1844.
52. KINGSTON NEWS, 12 December 1844.
53. PILOT, 9 December 1844.
54. KINGSTON NEWS, 12 December 1844.
55. PILOT, 9 December 1844.
56. ST. CATHARINES JOURNAL, 19 December 1844.
57. PILOT, 9 December 1844.
58. KINGSTON NEWS, 12 December 1844.
59. PILOT, 9 December 1844.
60. KINGSTON NEWS, 12 December 1844.
61. PILOT, 9 December 1844.
62. ST. CATHARINES JOURNAL, 19 December 1844.
63. PILOT, 9 December 1844.
64. ST. CATHARINES JOURNAL, 19 December 1844.
65. PILOT, 9 December 1844.
66. KINGSTON NEWS, 12 December 1844. However, PILOT, 9 December 1844, reported that he said: "for he could not call such a shallow thing as existed for nearly 10 months of the year an administration."
67. PILOT, 9 December 1844.

68. ST. CATHARINES JOURNAL, 19 December 1844.
69. PILOT, 9 December 1844.
70. KINGSTON NEWS, 12 December 1844.
71. PILOT, 9 December 1844.
72. KINGSTON NEWS, 12 December 1844.
73. PILOT, 9 December 1844.
74. KINGSTON NEWS, 12 December 1844.
75. PILOT, 9 December 1844.
76. KINGSTON NEWS, 12 December 1844.
77. PILOT, 9 December 1844.
78. ST. CATHARINES JOURNAL, 19 December 1844.
79. KINGSTON NEWS, 12 December 1844.
80. PILOT, 9 December 1844.
81. KINGSTON NEWS, 12 December 1844.
82. PILOT, 9 December 1844.
83. KINGSTON NEWS, 12 December 1844.
84. PILOT, 9 December 1844.
85. IBID.
86. IBID.
87. KINGSTON NEWS, 12 December 1844.
88. PILOT, 9 December 1844.
89. IBID.
90. IBID.
91. KINGSTON NEWS, 12 December 1844.
92. PILOT, 9 December 1844.
93. KINGSTON NEWS, 12 December 1844.
94. PILOT, 9 December 1844.
95. KINGSTON NEWS, 12 December 1844.
96. PILOT, 9 December 1844.
97. KINGSTON NEWS, 12 December 1844.
98. PILOT, 9 December 1844.
99. KINGSTON NEWS, 12 December 1844.
100. PILOT, 9 December 1844.
101. KINGSTON NEWS, 12 December 1844.
102. PILOT, 9 December 1844.
103. KINGSTON NEWS, 12 December 1844.
104. PILOT, 9 December 1844.
105. KINGSTON NEWS, 12 December 1844.
106. PILOT, 9 December 1844.
107. KINGSTON NEWS, 12 December 1844.
108. PILOT, 9 December 1844.
109. KINGSTON NEWS, 12 December 1844.
110. PILOT, 9 December 1844.
111. KINGSTON NEWS, 12 December 1844.
112. PILOT, 9 December 1844.
113. KINGSTON NEWS, 12 December 1844.
114. PILOT, 9 December 1844.
115. ST. CATHARINES JOURNAL, 19 December 1844.
116. PILOT, 9 December 1844.

117. ST. CATHARINES JOURNAL, 19 December 1844.
118. KINGSTON NEWS, 12 December 1844.
119. PILOT, 9 December 1844.
120. IBID.
121. IBID. However, KINGSTON NEWS, 12 December 1844, reported the members mentioned as those from Megantic and Drummond: "I have heard the hon. members for Megantic and Drummond condemn that conduct as well as many others whose names I do not recollect."
122. PILOT, 9 December 1844.
123. MONTREAL GAZETTE, 7 December 1844.
124. IBID.
125. IBID.
126. IBID.
127. PILOT, 9 December 1844.
128. KINGSTON NEWS, 12 December 1844.
129. PILOT, 9 December 1844.
130. KINGSTON NEWS, 12 December 1844.
131. PILOT, 9 December 1844.
132. KINGSTON NEWS, 12 December 1844.
133. PILOT, 9 December 1844.
134. KINGSTON NEWS, 12 December 1844.
135. IBID.
136. IBID.
137. IBID.
138. IBID.
139. PILOT, 9 December 1844.
140. KINGSTON NEWS, 12 December 1844.
141. PILOT, 9 December 1844.
142. IBID.
143. IBID.
144. KINGSTON NEWS, 12 December 1844.
145. PILOT, 9 December 1844.
146. KINGSTON NEWS, 12 December 1844.
147. PILOT, 9 December 1844.
148. KINGSTON NEWS, 12 December 1844.
149. PILOT, 9 December 1844.
150. KINGSTON NEWS, 12 December 1844.
151. PILOT, 9 December 1844.
152. KINGSTON NEWS, 12 December 1844.
153. PILOT, 9 December 1844.
154. KINGSTON NEWS, 12 December 1844.
155. PILOT, 9 December 1844.
156. KINGSTON NEWS, 12 December 1844.
157. BRITISH COLONIST, 13 December 1844.
158. IBID.
159. IBID.
160. IBID.
161. IBID.

- 162.MONTREAL GAZETTE, 7 December 1844.
- 163.KINGSTON NEWS, 12 December 1844.
- 164.IBID.
- 165.IBID.
- 166.IBID.
- 167.IBID.
- 168.IBID.
- 169.IBID.
- 170.MONTREAL GAZETTE, 7 December 1844.
- 171.BRITISH COLONIST, 20 December 1844.
- 172.MONTREAL GAZETTE, 7 December 1844.
- 173.BRITISH COLONIST, 20 December 1844.
- 174.MONTREAL GAZETTE, 7 December 1844.
- 175.BRITISH COLONIST, 20 December 1844.
- 176.MONTREAL GAZETTE, 7 December 1844.
- 177.BRITISH COLONIST, 20 December 1844.
- 178.MONTREAL GAZETTE, 7 December 1844.
- 179.IBID.
- 180.IBID.
- 181.BRITISH COLONIST, 20 December 1844.
- 182.MONTREAL GAZETTE, 7 December 1844.
- 183.BRITISH COLONIST, 20 December 1844.
- 184.MONTREAL GAZETTE, 7 December 1844.
- 185.The Reporter for the BRITISH COLONIST, 20 December 1844, inserted a footnote here, the text of which is as follows: "For the information of the reader, we may state that Mr. Baldwin sat in close proximity with Messrs. Lafontaine and Wolfred Nelson!"
- 186.BRITISH COLONIST, 20 December 1844.
- 187.IBID.
- 188.IBID.
- 189.The Reporter for the BRITISH COLONIST, 20 December 1844, inserted a footnote here, the text of which is as follows: "We rather fancy the worthy Doctor meant to fill up the evident hiatus in this paragraph with the remark he made to 'modest' Malcolm at the time he got the appointment of Inspector of Customs - to wit, that the Government had done wisely for acting on the old adage of 'set a thief to catch a thief,' in making Malcolm Cameron catch-pole of smugglers."
190. The Reporter for the BRITISH COLONIST, 20 December 1844, inserted a footnote here, the text of which is as follows: "The Doctor has been shockingly hard upon us unlucky Editors; but, although sometimes we may by accident, certainly not design, be caught tripping; in this instance, however, the press has said nothing more than is strictly true. The case Dr. Dunlop alludes to is that of J. Sandfield McDonnell, Esq., M. P. P. for Glengarry, who obtained, through the influence of the late Administration, corruptly and unlawfully, the sale of certain valuable properties in the very heart of the town of Cornwall - being, in fact, a part of the market block, on which other people had actually put up buildings. If any one doubt this, let him make inquiries in the Court of Chancery, where proceedings are at this moment going on, to compel Mr. McDonnell to give up the property, for which he bartered his

political independence."

191. The Reporter for the BRITISH COLONIST, 20 December 1844, inserted a footnote here, the text of which is as follows: "It is generally understood that the party referred to, is Mr. Henry Smith, of Kingston, M.P.P. for Frontenac, whose father is Warden of the Provincial Penitentiary. We are informed that Dr. Dunlop, the following day, apologized to Mr. Smith for making an allusion on mere report, when that gentleman assured the Doctor all he had so stated on the subject was strictly true."

192. The Reporter for the BRITISH COLONIST, 20 December 1844, inserted a footnote here, the text of which is as follows: "As a practical illustration of the superior advantages to be expected from the Receiver General keeping the public funds in his 'breeches pocket,' we beg to refer Mr. Cameron to the printed 'Report on the Public Departments' of Upper Canada, 1839, where, under the head of 'Receiver General's Office,' at page 71, will be found the following information, which we extract for the benefit of the public, viz: - 'The committee found, on examining the Cash Book kept by the 1st clerk in the Receiver General's Office, that two 'Bons' of a commercial house in this city (Toronto), amounting nearly to £1,500, were entered as part of the funds handed over to the 1st clerk, to make payments on the public account during the temporary absence of the Receiver General.'"

193. BRITISH COLONIST, 20 December 1844.

THURSDAY, 5 DECEMBER 1844.

(14)

Petitions
brought up.

THE following Petitions were severally brought up and laid on the table--

By Mr. Lantier, the Petition of Mrs. Effy MacCuaig and others, tenants of the Seignior of New Longueuil.

By Mr. Chauveau, the Petition of J. G. Tourangeau and others, inhabitants of the City of Quebec and its vicinity.

By the Honourable Mr. Aylwin, the Petition of George Pozzer, Esquire, of the City of Quebec.

By Mr. Robinson, the Petition of Alexander MacLean and others, freeholders of the County of Stormont.

By Mr. Macdonald of Kingston, the Petition of the Right Reverend Patrick Phelan, Bishop of Carmhae, and of the Very Reverend Angus MacDonell, on behalf of the Corporation of the College of Regiopolis.

By Mr. Price, the Petition of the Canada Baptist Union, (relating to the Registration of Births and Deaths); and the Petition of the Canada Baptist Union, (relating to the University of King's College.)

By Mr. Boulton, the Petition of Charles Berezy and others, inhabitants of the city of Toronto.

By Mr. Macdonald, of Cornwall, the Petition of Austin E. Cadwell, of the town of Cornwall, in the Eastern District.

By Mr. Sherwood, of Brockville, the Petition of H. W. Blanchard and others, inhabitants of the district of Johnstown, and the Petition of Wellington Landon and others, inhabitants of the district of Johnstown.

By Mr. Colville, the Petition of the Reverend John Merlin, V. D. M., of the township of Hemmingford, in the county of Beauharnois.

By Mr. Cameron, the Petition of R. Burritt and others, freeholders of the county of Grenville.

By Mr. Meyers, the Petition of William Sweetman, keeper of the lighthouse at Presqu'Isle Point, Lake Ontario; and the Petition of the President and Board of Police of the town of Cobourg.

By Mr. McConnell, the Petition of Stephen S. Foster, Esquire, and others, inhabitants of the county of Stanstead.

By Mr. Brooks, the Petition of the Reverend J. Anderson and others, inhabitants of the townships of Melbourne and Durham, in the counties of

Sherbrooke and Drummond.

Pursuant to the Order of the Day, the following Petitions were read:--

Of Francis C. T. Arnoldi, M.D., and others, Lecturers and Students in and of the Medical School in the city of Montreal, called the College of Medicine and Surgery, praying for an Act of Incorporation for the said College.

Of the Municipal Council of the District of Simcoe, praying for certain amendments to the Municipal Council and Assessment Acts.

Of the Municipal Council of the district of Simcoe, praying that the Office of the County Registrar, may be removed to the town of Barrie.

Of the Municipal Council of the district of Simcoe, praying that certain doubts respecting the sale of lands for taxes in certain districts, may be removed by Act of Parliament.

Of the Municipal Council of the district of Simcoe, praying for a more equal assessment of real estate.

Of E. L. Hayden and others, inhabitants of Sorel and Yamaska, praying for the passing of an Act for the protection and preservation of wild game.

Of the Reverend Thomas Phillips, of the township of Etobicoke, in the Home district, praying that the salary that he formerly received as Chaplain to the House of Assembly of Upper Canada, may be continued to him during the remainder of his life.

(15)

Of Pierre Deguise, of the parish of Saint Thomas, complaining that the salary voted him by the Municipal Council of the district of Saint Thomas, as their clerk has not been paid him, and praying relief.

Of John M'Pherson and others, inhabitants of Crane Island, and of the parishes of Saint Thomas, Cap Saint Ignace and other places, praying that a law may be passed for the better preservation of certain species of game frequenting the said places.

Of W. B. Lindsay, junior, of the city of Montreal, praying to be continued as Assistant French Translator.

Of the Municipal Council of the district of Saint Hyacinthe, praying for certain amendments to the Municipal Council Ordinance.

Of Abraham Cloutier, of Montreal, late messenger in the Crown Land Office, praying that certain alleged arrears of salary may be paid him for his services as such messenger.

Of Honoré Tanguay, of Quebec, writer, praying to be appointed Assistant French Translator to the House of Assembly.

Of the Moderator and Presbytery of Montreal, praying that an Act may be passed to relieve those Ministers of the Gospel who may have voted at the late General Election, from the penalties of the law relating thereto.

Of the Religious, the Ursuline Ladies of Three Rivers, praying for an Act to enable them to acquire and hold additional immoveable and other property, yielding an annual rent of fifteen hundred pounds, sterling.

Of the Reverend Paul Archambault and others, of the parish of Saint Michele de Vaudreuil, praying for a grant of two hundred and fifty pounds, to complete a school-house therein.

Of the Mayor and Corporation of the city of Quebec, praying that they may be authorized to erect one or more toll-bridges over the River Saint Charles.

Petitions
referred.

W. B. Lindsay.

Resolved, That the Petition of W. B. Lindsay, junior, of the city of Montreal, be referred to a Special Committee of five Members, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers and records.

Ordered, That Mr. Boutillier, Mr. Chauveau, the Honourable Mr. Morin, the Honourable Mr. Lafontaine, and Mr. Christie do compose the said Committee.

H. Tanguay.

Ordered, That the Petition of Honoré Tanguay, of Quebec writer, be referred to the said committee.

A. T. Galt
and others.

Resolved, That the Petition of A. T. Galt and others, praying to be incorporated as a Cotton Factory Company at Sherbrooke, be referred to a Special Committee of five Members, to examine the contents thereof and to report thereon with all convenient speed; with power to send for persons, papers and records.

Ordered, That Mr. Hale, Mr. Leslie, Mr. Brooks, the Honourable Mr. Moffatt and Mr. Watts, do compose the said Committee.

F. C. T. Arnoldi,
M.D. and others.

Resolved, That the Petition of Francis C. T. Arnoldi, M.D. and others, Lecturers and Students in and of the Medical School in the City of Montreal, called the College of Medicine and Surgery, be referred to a Special Committee of five Members, to examine the contents thereof, and to report thereon with all convenient speed, by bill or otherwise; with power to send for persons, papers and records.

Ordered, That Mr. Scott, Mr. Nelson, Mr. Taché, the Honourable Mr. Lafontaine and Mr. Boutillier, do compose the said Committee.

John P. Waterson and others. Resolved, That the Petition of John P. Waterson and others, licensed Deal Cullers of the City of Quebec, be referred to a Select Committee, composed of the Honourable Mr. Aylwin, Mr. Stewart of Bytown, Mr. Johnson, Mr. Cameron, Mr. Christie, the Honourable Mr. Moffatt, Mr. Greive, Mr. Leslie and Mr. Bertrand, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers and records.

Rev. F. Evans, and others. Resolved, That the Petition of the Reverend Francis Evans and others, inhabitants of Simcoe, District of Talbot, be referred to a Select Committee, composed of Mr. Powell, Mr. Hale, the Honourable Mr. Baldwin, Mr. Williams and Mr. Thompson, to examine the contents thereof and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Municipal Council, Simcoe. Resolved, That the Petition of the Municipal Council of the District of Simcoe, (relating to the Register Office of that District), be referred to a Select Committee, composed of Mr. Robinson, Mr. Duggan, the Honourable Mr. Small, and Mr. Boulton, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers and records.

John Yule, Esq. Resolved, That the Petition of John Yule, Junior, Esquire, of the parish of Chambly, be referred to a Committee of five Members, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered, That Mr. Hale, Mr. Boutillier, Mr. Franchère, Mr. Lacoste, and Mr. Nelson, do compose the said Committee.

Standing Committees. The Honourable Mr. Attorney General Smith moved, seconded by Mr. Duggan, That Select Standing Committees of this House, for the present Session, be appointed for the following purposes, viz:--

1--ON PRIVILEGE AND ELECTIONS.

2--ON EXPIRING LAWS.

3--ON PRIVATE BILLS.

4--ON STANDING ORDERS.

5--ON PRINTING.

6--ON CONTINGENCIES.

*which said Committees shall severally be empowered to examine and enquire into all such matters and things as may be referred to them by the House, and to report, from time to time, their observations and opinions thereon; with power to send for persons, papers, and records.*¹

((MR. ATTORNEY GENERAL JAMES SMITH)) remarked that the practice in England was to appoint only one Standing Committee, and that was merely to assist the Speaker in the printing. However he found that the course he was now pursuing was the same as that adopted last Session.²

MR. CHRISTIE approved entirely of the motion of Hon. Attorney General East, but there was one Committee he had forgotten to mention - that was, a committee of Public Accounts. What sort of Responsibility did the Government (sic) give, if they were not responsible to the people for the money they spent. The hon. gentleman had said it was not done last session. True, but they were liable to a bill of Impeachment for spending the public money without giving an account of it. At the last session Mr. Neilson had made a similar motion to that he now proposed, but he had been left alone in support of it. He (Mr. C.) had then opposed it. He regretted his error and was now making all the atonement in his power. If all was fair and regular, he was sure that neither his friends on the Treasury Benches, nor his friends around him, would oppose it. The hon. gentleman then alluded to the difference in the salaries of the two Attorney Generals - the East getting £1,500, and the West but £1,000 - and drew the inference that if a similar committee to the one he moved for had been in existence formerly, such an absurd difference would have been altered.³

(15)

Mr. Christie moved, in amendment, seconded by Mr. De Witt, That after the word "Contingencies," in the said motion, the following words be added "and of Public Accounts."

MR. ATTORNEY GENERAL ((JAMES)) SMITH opposed the amendment, as it would appear from his hon. friends remarks that the Committee would have the power of regulating the salaries of public officers. Besides, it was perfectly competent for any hon. gentleman, when the accounts were laid on the table, as was invariably the case, to move for a special committee to examine them.⁴

MR. ((HENRY)) SHERWOOD said that the effect of the amendment would be to take the responsibility from the Government and throw it upon

Committees. The true principle of Responsible Government was to make the Government responsible for its acts. That was British practice.⁵

MR. BALDWIN was glad the learned Solicitor General had spoken, as he had proved to him whatever his former opinions were, he had, in this instance, a true idea of Responsible Government. He indignantly repelled Mr. Christie's threat of impeachment, and for himself and his late colleagues, challenged inquiry. He thought the establishment of Standing Committees inconsistent with British practice. In supporting his hon. friends opposite on the question, he was merely acting consistently with his vote last session, and he now would give his cordial support on this occasion (if he never did again during the session) to his hon. friends opposite.⁶

DR. DUNLOP said "It was hard to teach old dogs new tricks." He was perhaps very thick-headed, for he did not understand any thing about Responsible Government yet, and he didn't think it likely he ever should. It was but fair, however, that public servants should be paid a fair remuneration for their services. If you wanted a Surgeon, you must pay him for his talents, or you would be apt to get a farrier instead. If you wanted able lawyers, like his hon. friends on the Treasury Benches, and his hon. friends who had formerly filled them as Attorney and Solicitor Generals, you must pay them fair remuneration, or in their place you would get pettifoggers.⁷

MR. LAFONTAINE concurred in the view of the hon. member for the Fourth Riding of York (Mr. Baldwin.)⁸

MR. JOHNSTON approved of Mr. Christie's amendment, as he was in favor of taking off as much responsibility from the shoulders of the ministry as possible.⁹

MR. AYLWIN said that the accounts were always laid before the House, and in this they followed strictly the English practice. The hon. gentleman then stated the manner in which the business had been concluded last session, and reflected severely on Messrs. Viger and Daly. He proposed that the accounts should be in future passed by piecemeal. After some rather angry remarks in reference to Mr. Christie, he concluded by declaring his intention of opposing the amendment.¹⁰

MESSRS. ROBINSON, SCOTT and CAMERON severally spoke in disapproval of the amendment.¹¹

MR. CHRISTIE denied any intention of imputing improper motives or conduct to any of his hon. friends on either side of the house.¹²

MR. MOFFATT had formerly supported a similar motion to that proposed by the hon. member for Gaspé; but as it appeared the house were against

it now he would not press it; and hoped his hon. friend would withdraw it. He would, however, insist that the house should, in future, inspect the accounts.¹³

(16)

The question having been put on the motion of Amendment, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Christie, De Witt, Johnston and Scott.--(4.)

NAYS.

Armstrong, Aylwin, Baldwin, Berthelot, Bertrand, Boulton, Boutillier, Brooks, Cameron, Cauchon, Chabot, Chalmers, Chauveau, Colville, Daly, De Bleury, Dickson, Emmert, Duggan, Ermatinger, Franchère, Gowan, Greive, Hale, Hall, Jessup, Jobin, Lacoste, LaFontaine, Lantier, Laurin, Lacombe, LeMoine, Leslie, Macdonald of CORNWALL, Macdonald of GLENGARRY, Macdonald of KINGSTON, Macdonell of DUNDAS, Macdonell of STORMONT, McConnell, Minot, Meyers, Moffatt, Morin, Murney, Nelson, Papineau, Powell, Petrie, Price, Prince, Riddell, Robinson, Roblin, Rousseau, Sherwood of BROCKVILLE, Solicitor General Sherwood, Attorney General Smith, Smith of WENTWORTH, Stewart of BYTOWN, Stewart of PRESCOTT, Taché, Taschereau, Thompson, Watts, Webster, and Williams.--(67)

So it passed in the negative.

The question being then put on the main motion, it was agreed to unanimously, and

Resolved accordingly.

Petition of
W. Buell,
withdrawn.

Ordered, That the Honourable Mr. Baldwin have
leave to withdraw the Petition of William
Buell of the town of Brockville, in the county
of Leeds, in the district of Johnstown,

Esquire, Candidate at the last Election for the said county, for the
purpose of correcting an error in the same.

Standing
Committees.

Resolved, That a Select Committee of eleven
Members, composed of the Honourable Mr.

Papineau, the Honourable Mr. Moffatt, Mr.
Solicitor General Sherwood, Mr. Hale, Mr. Robinson, Mr. Murney, the
Honourable Mr. LaFontaine, the Honourable Mr. Baldwin, the Honourable
Mr. Morin, Mr. Price and Mr. Leslie, be appointed to prepare and report
with all convenient speed, Lists of Members to compose the six Standing
Committees ordered by this House.

District
Treasurers.

Ordered, That Mr. Johnston have leave to bring in
a Bill to prevent the abuses which have arisen
from persons being traders, or the agents of
traders, being appointed or allowed to act as District Treasurers in
Upper Canada.

He accordingly presented the said Bill to the House, and the same
was received and read for the first time, and ordered to be read a second
time, on Wednesday next.

On motion of Mr. Christie, seconded by Mr. De Witt,

Civil List.

Resolved, That an humble Address be presented to
His Excellency, the Governor General, praying
that His Excellency will be pleased to cause to be laid before the House,
copies of all Correspondence, or such part or parts thereof as he shall
deem fit, with the Home Government, relating to the Civil List established
by the Union Act, including also any Reports of Council on the same
subject that may not already have been communicated to the Legislative
Assembly.

Ordered, That the said Address be presented to His Excellency, the
Governor General, by such Members of this House as are of the
Honourable the Executive Council of this Province.

Address in
answer to
Speech.

The House, according to Order, resumed the
adjourned debate upon the amendment which was
yesterday proposed to be made to the motion,

That an humble Address be presented to His Excellency the Governor
General, to thank His Excellency for his gracious Speech from the Throne,
and to assure His Excellency

That this House is gratified that an early period since the completion
of the recent General Election has been selected by His Excellency, the
Governor General, for meeting the Parliament at a season so convenient
to the Members personally, for the discharge of the important functions
devolving upon them.

That this House, in common with the other subjects of our Gracious
Queen, throughout her vast dominions, in every quarter of the Globe,
rejoice at the auspicious birth of another member of the Royal Family,
and humbly express their gratitude to the Almighty Giver of all Good,
for the continued safety and health of our beloved Sovereign.

That the earnest consideration of this House will be devoted to all
subjects before them, concerning the welfare of the Province. They
recognize the improvement of the education of the People as one of their

most urgent duties, and it will be a matter of the most profound gratification to them if such arrangements can be devised respecting the University of King's College, as will receive the sanction of the Crown, and give general satisfaction in the Colony.

That the attention of this House will be devoted to the Municipal Institutions of the Province, as well as to the state of the Prisons, and the want of Lunatic Asylums in Lower Canada, and also to the amelioration of the means of communication throughout this Province, so essential to its prosperity. That this House regrets the peculiar destitution of the Eastern Townships of Lower Canada in this particular; and the Town of Kingston, the Capital, which, by means of the removal of the Seat of Government, has unavoidably suffered much, should be devoid of a Road through the Inland Territory, towards the Ottawa, essentially necessary to its prosperity; and these subjects will receive that attention which their importance demands.

That this House will avail itself of the earliest opportunity of taking into consideration the state of the Militia Law in both sections of the Province, with a view to the framing of such a measure as may give efficiency to that arm of public defence in both sections of the Province.

That this House is gratified to learn that the state of the Revenue affords a fit subject of congratulation, and they will be happy to co-operate in any measure of legislation and economy calculated to promote its further improvement.

That this House learn with the most profound satisfaction that Her Majesty has graciously received the address of the last Parliament on the subject of the Civil List. That, sensible of the only objects which could have induced the Imperial Parliament to make provision for a Civil List in this Province, and of the peculiar exigency which required such a course this House nevertheless rejoices in the assurance of Her Majesty's confidence in the concurrence of Her Majesty's faithful subjects in Canada for effecting the same purposes, and gratefully acknowledges Her Majesty's desire, to owe the means of obtaining them to the spontaneous liberality of Her Canadian people. That this House will therefore devote its earnest attention to the exercise of that most undoubted and important of its constitutional rights and duties; the granting to the Crown of a Civil List;--and they have the fullest confidence that the recommendation of Her Majesty to the Imperial Parliament founded upon such a grant, to repeal so much of the Act of Union as relates to this subject, will meet with that ready attention which its constitutional importance demands.

(17)

That the financial accounts and estimates for the Public service, will receive due attention, when laid before this House; and they are happy to learn, notwithstanding the unavoidable expense attendant on the removal of the Seat of Government from Kingston to Montreal, and the claims to be submitted for their consideration, a considerable surplus revenue

will remain for future disposition.

That this House will make proper provision for the exigencies of the Public service, and are gratified at His Excellency's assurance that he will use his exertions to diminish expenditure by all practicable economy. It is a source of the greatest satisfaction to learn that His Excellency has availed himself of such opportunities for retrenchment as have presented themselves, and they thankfully acknowledge the assurance that His Excellency will continue to pursue the same course, whenever reduction appears to be consistent with efficiency.

That this House concurs with His Excellency in desiring that the welfare of United Canada may be promoted by the joint labour of all the branches of the Legislature. That the earnest efforts of this House will be devoted to such measures as may in their judgment be calculated to secure peace and prosperity, justice and happiness to this Province.

That this House fully confides in the declaration of His Excellency, that he will continue to administer the charge entrusted to him, by Our Most Gracious Sovereign, according to the acknowledged principles of Our Provincial Constitution, and with a view to the wants and wishes of the community. And this House learns with exceeding satisfaction, that on the occurrence of vacancies in several of the most important offices of the administration, immediate efforts were made by His Excellency to fill them by gentlemen supposed to possess the confidence of the people. While they rejoice at the assurance of His Excellency's incessant exertions to supply these vacancies, they nevertheless regret to learn that obstacles should have intervened to delay the accomplishment of this constitutional purpose.

That this House, in the full exercise of its constitutional powers, will earnestly endeavour to maintain the harmony with the other branches of the Legislature essential to the well-being of the people, for whose benefit alone these powers are conferred, and in devoting themselves to the discharge of their important duties, united with His Excellency in a humble hope, that the Almighty will bless their endeavours, and render them efficacious for the public good.

MR. GOWAN¹⁴, in rising to resume the debate, trusted that the same spirit of good nature and fair play which had prevailed upon the former evening would be continued. Before he alluded to the Address before the House he felt himself called upon to offer a few remarks upon what had last evening fallen from the Hon. Member for Lanark, relative to the riots which had lately disgraced this city: he had asserted that during the Administration of the late Ministry no riots had occurred, no blood had been shed. He (Mr. Gowan) felt that the subject of the late riots was not one upon which that House should offer an opinion at this time, for the guilty parties were in the hands of justice. But when he heard it

asserted that no such occurrence had taken place during the time the late Ministry held office, he felt himself called upon to ask the Hon. gentleman opposite whether during the time Mr. Baldwin was the leader of the Cabinet, the troops were not sent from Toronto to Huron, and thence back to Simcoe. Did the Hon. gentleman forget that when Mr. Baldwin was Attorney General they were sent to Hastings? Did he forget that upon a recent occasion similar riots took place, and life was lost in the late capital of the Province? When he (Mr. G.) heard the late Administration lauded at the expense of the present for its peaceful reign, he felt that he could not do otherwise than call attention to these facts. He had understood the Hon. Member for Lanark to have said on the previous evening, that it was unfair and un-British for the Governor General to have spent twelve months in electioneering through the country. He would ask the Hon. gentleman whether in the Districts, with which they were both familiar, such had been the case? For his own part, he (Mr. G.) could assert that he had received no assistance from the Executive. On the contrary, of the Returning Officers for the County by which he was elected, and his ten deputies, not one had a leaning towards him, and the only one who voted, voted against him; the Agent for the Commissioner of Crown Lands attended the polling place as an agent for his adversary; the District Treasurer was an active partizan against him. He trusted the Hon. gentlemen (sic) would tell them if he knew of different proceedings in his own District. He would ask him what part was taken in his (Mr. Cameron's) election by the Sheriff.¹⁵

MR. CAMERON. "No part."¹⁶

MR. GOWAN. Well then, had the Executive Officers of the Government been desirous of influencing elections, would they not have done so against so active a partizan of the late Administration as the Hon. gentleman opposite? Had the Chairman of Quarter Sessions exerted no influence.¹⁷

No, from MR. ((CAMERON)).¹⁸

((MR. GOWAN continued:)) Had the District Treasurer taken no part in his return?¹⁹

No, from MR. ((CAMERON)).²⁰

He ((MR. GOWAN)) might be mistaken, but he certainly was under the impression that the gentleman was a candidate on the Reform interest, and resigned to make way for the honourable gentleman opposite. He would not much further occupy the House upon the subject of the charges brought against the Head of the Government; had they been true they would have demanded their reprobation; but if it appeared to them as it did to him (Mr. G.) that they were false, it was incumbent upon the honourable gentleman to correct himself. Before he closed, he would call the attention of the honourable gentlemen on the opposition benches to a portion of the Manual of Parliament, which he held in his hand, in which

it was laid down that it was a high breach of the privileges of that House for Peers to interfere in the election of Knights of Shires. He would call upon those honourable gentlemen to remember that Executive Councillors who had been members of the late Administration with them had indeed canvassed the country during the last twelve months. How could they reconcile this fact with the charges which had been made? What would be thought in England if Sir Robert Peel or Lord John Russell, upon resigning office, were to organize associations to endeavour to return to power and oust their opponents? What excuse could be offered for the late Attorney and Solicitor Generals of Upper Canada going through the country agitating and forming associations in anticipation of a general election? There was no instance upon record of such a line of conduct having been pursued by any other Ministry. He regretted that he could not give credit to the Members of Lower Canada for a total non-concurrence in this course. But of the French Canadian Members he believed but two had followed in the footsteps of their colleagues of Upper Canada: he alluded to the late Attorney General (East) who had officiated as an agent at one of the polling places during the election for the County of Montreal; and the late Commissioner of Crown Lands, who had gone down to Richelieu to oppose that venerable man, the President of the Council. He alluded to this with deep regret, as the conduct of the French Canadian Members both in and out of that House was always gentlemanly and honourable; and he believed that when they knew truly the principles and feelings of the Upper Canada Members towards them - when their minds were freed from the prejudices cast upon them by the false reports of the press, and other misrepresentations, they would judge their acts not by these, but by their intrinsic merit. The Members of Canada West were held up to them as Tories and Orangemen; he himself (Mr. G.) was pointed out as a Tory and an Orangeman²¹.

Hear! hear! from the opposition.²²

((MR. GOWAN continued:)) Such insinuations were all very well before the election; but he hoped now to see a little better feeling peeping out. And to show the Canadian gentlemen on the other side how those who professed to be Reformers, and their friends, insulted their religion, he would call their attention to an article contained in the Toronto Examiner, a paper acknowledged to be the chief organ of the Reform Association of Upper Canada, the date was the 20th of Nov. He (Mr. G.) would not insult them by reading that article, but if any gentleman wished to see it, there was the paper.²³

Cries of read! read!²⁴

The honourable gentleman ((MR. GOWAN)) then read a portion of the article referred to, which characterized the Roman Catholic, or as it termed it, "the Popish religion," and the effect of its institutions as "tortuous, benumbing, and demoniacal." He (Mr. G.) would ask what would have been done by the party with whom they acted and who professed to

be their friends. The Hon. gentleman opposite (Mr. Cameron) had made certain allusions to the department of the Receiver General of that Province, in strong terms, and attempted to contrast the present condition of that department with the state of the public accounts under the late administration. The gentleman had asked what security the country had for the monies placed in the Banks of the Province, and found fault with such a disposition of them. If he would take the trouble to refer to question 405 in the Report he (Mr. G.) held in his hand, he would find the substance of it to be an enquiry made to the Hon.--Dunn. as to the security of the Banks of the Province as places of deposit for the public revenue; and also the answer from the late Receiver General that they were perfectly secure. Yes, so long ago as the year 1835, the system had been declared good by the then Receiver General. If any person desired to contrast the present mode in which the accounts of the Province were kept, with that pursued under the late administration, he would refer him to the Report upon that very department.

The hon. gentleman here read some copious extracts from the Report upon the gross mismanagement of the public revenue, the want of checks over collectors; the refusal of the Receiver General Dunn to allow his accounts to be examined claiming them as private property; deficiencies in the revenue from sums said to have been paid into the hands of Bankers, and which they denied, &c. &c.

According to the mode in which that department was at present conducted, the simplest person, if acquainted with accounts, could satisfy himself any day as to the state of the revenue; the ledgers were closed every evening, and the accounts of the various Banks balanced; and the clerks in one room served as checks upon those in another. All the ledgers and books of the department were open to any of the honourable gentlemen who chose to examine them; and not one farthing was ever paid out of that department but through the Banks, and not without being checked by the Inspector General.²⁵

MR. CAMERON wished to know who was the Inspector General.²⁶

MR. GOWAN, believed Mr. Carey acted in that capacity, but he was not sure, as he was not connected with the Administration. He had called at the Department to-day to receive information, he had there learned the facts he now stated; and the same sources of information were open to the Hon. gentleman, if he choose to make use of them. There was another matter which the Hon. gentleman on the opposite side would permit him to allude to - he meant the large amounts of money accumulated by the late Receiver General, and appropriated as private property. Under the present Government so great a saving had been effected by lodging the monies of the Province in Chartered Banks, that it was equal in that department to the whole amount paid out of it. This was a thing which had never been before felt in the country, one department not only free of cost, but saving money; and if the present Administration did no other good act but this, every one would give them credit for it. The Hon. Member for Gaspé, and his friends to the right and left, Messrs. Lafontaine and Alywin (sic), had that evening made some allusions regarding retrenchment

and reform. The late Attorney General East, had received while in office either £1500 or £1800 per annum, besides £100 sterling as an Executive Councillor, in all nearly £2000 currency; and what would that gentleman say if he learned that the present Administration had determined in that one item to effect a saving of £500 or £600?²⁷

Hear, hear, from all parts of the House.²⁸

((MR. GOWAN continued:)) It was his belief that the present Ministry would practice retrenchment and reform, and not cheat the country by mere professions. The Hon. Member for Lanark, had claimed the increase in the Revenue as due to the late Ministry. He had told the House that the modesty of the late Attorney General West would not allow him to put in his pretensions. There were some men who had a peculiar modest way of declaring their own merits, and among these was the Member for Lanark. If the House would refer to Appendix to the Journals No. 1. vol. 3, 1843, it would find what was saved, if anything; and what the patriotic exertions of the Hon. gentleman who had praised himself over his leader's shoulder had done towards it. That gentleman was then Commissioner of Customs, and in the estimate he (Mr. G.) found this item: expenses of Commissioner for enquiring into the Collection of Public Revenue, £850; and again in statement B, Malcolm Cameron for expenses, £619 2s 4d. Let the Hon. gentlemen on the opposition Benches add those two sums together, and say what were the important services to the country which required so costly a payment, for a period he believed, under six months. He had been somewhat surprised to hear the Hon. gentleman, the late Attorney General West, make objection to that part of the speech from the Throne which alluded to the calling together of Parliament, when he (Mr. G.) remembered that a similar course to that which he now condemned, had been pursued by him when Solicitor General, and afterwards when Attorney General; the Union was effected in July, 1840, and Parliament did not meet until June, 1841, one month before it would have died a natural death, and when Sir Charles Bagot was Governor, it was called within nine days of the time at which it would have expired. Why then should those gentlemen who lived in glass houses throw stones at their neighbours. There was one portion of the address relative to King's College, and the subject of education, to which it would afford him sincere pleasure to lend his co-operation; there was no subject of so much importance as the revision of the School Bill, which was so shackled by clumsy machinery as to be altogether impracticable; he had felt it his duty as a Municipal Councillor to oppose the measure when first brought forward; and as that opposition had been offered with the best intentions, he trusted that all parties in that house would co-operate with the gentlemen on the treasury benches in producing such a revision of the Bill, as would work easily, and contribute liberally towards the provision for youth. When the subject of King's College came before the House, he for one would meet it with a proper feeling; and although he could not support the principles of the subsequent Bill, yet none would

be found firmer than himself in advocating equal justice towards all religious denominations. With regard to the paragraph in allusion to Lunatic Asylums and Prisons, it suggested itself to him (Mr. Gowan) that it was more desirable to construct one great Asylum for the province, than to squander their means in erecting Asylums in various places. He would also recommend the removal of the Provincial Penitentiary to Marmora, where there was iron ore, and he thought that the labour of the convicts might not only make the institution self-supporting, but in time a source (sic) of revenue. He would suggest the removal of the Lunatic Asylum to that building. He was surprised at the remarks which had fallen from the Hon. gentleman, the late Attorney General West, relative to the peculiar prominence given to Kingston and the Eastern Townships in the recommendation from the Throne of internal communications, for he found upon reference to the Journals of the House exactly the same grounds occupied by the late Administration, in Sir Charles Metcalfe's first Speech upon assembling the Legislature. In that Speech the Eastern Townships were particularly alluded to, and if he (Mr. G.) might believe their own admissions, the only reason why that recommendation was not followed by action was because of the desperate state of the revenue; because the Hon. gentlemen had not the means to carry out their wishes; in consequence of what had been termed their bungling administration, they were without funds. If there was any part of the province which had a claim upon their consideration, it was Kingston.²⁹

No! No! from the Opposition.³⁰

((MR. GOWAN continued:)) The Hon. gentleman said No! but had he been aware of the situation he would not have said so. It should be remembered that the seat of Government had been at first thrust upon it, and afterward removed in defiance of the encouragement given to it by the Head of the Government, and the hopes therein held out, which it had a right to expect would be fulfilled. He was surprised that Mr. Cameron should oppose this preference, for if his (Mr. G.'s) memory was not treacherous, that gentleman had taken a very active part in trying to obtain a road thence to the Ottawa by Perth: and he had seen in that gentleman's hands maps and plans for the road with his marks thereupon.³¹

MR. CAMERON - The Surveyor reported it impracticable.³²

MR. GOWAN - There were one or two omissions in the speech, and he trusted the next time his Excellency's advisers came down to that house they would be prepared to take off expense levied upon Upper Canada, by taxing its inhabitants for the administration of justice. He did not ask to be placed upon a superior footing to the people of Lower Canada, but he had a right (sic) to expect to be placed upon the same, and the people of Upper Canada appealed with much confidence to the liberality of the minds of the gentlemen opposite. When he knew that the expense of the administration of justice in Canada East was paid out of the general revenue of the Province towards which all contributed, he felt

that it was not just that the inhabitants of the Upper Province should be compelled to tax themselves to support their judicature.

He also wished to have seen some allusion made to the speech towards the macadamized roads of the western portion of the Province.³³ He advocated the opening up of the back country by means of the proposed road.³⁴ He was glad to perceive that the attention of his Excellency's Advisers had been drawn to the subject of a Militia Law; it was one upon the necessity of which all parties concurred, and it was therefore, unnecessary for him to enter upon it until the Bill was laid upon the table. The state of the revenue was indeed a subject of congratulation, in which all the members of that house must join, no matter who filled the Treasury Benches, whether it was the present Administration or the gentlemen of the Opposition. The increase was not small, but most extraordinary.³⁵

MR. CAMERON. - The sum.³⁶

MR. GOWAN. - He was not prepared to state the sum, but the estimates and accounts would be laid before them in a few days, and he believed it would be found upwards of £30,000. During the reign of the late Administration it might be said that the tree of Canadian prosperity was girdled, but now it flourished. (Oh! oh!) Yes, and whether its prosperity was produced by the old or new Administration, - it had not until now borne those fruits which he thanked God it did.

In allusion to some remarks made by Mr. Baldwin on the last evening, relative to the part taken by Mr. Gowan in the passage of that portion of the Union Act relative to the Civil List, the Hon. gentleman went into a long explanation of the real circumstances of the occurrence, and while expressing his opinion of the injustice done to Canada by that appropriation, showed from the journals of the House how he had voted against it, and the Reformers of the day had been the real traitors, the men who sold their birthright. As then, his opinion was still, that the Imperial Government had no right to make any appropriation of the revenue of the Province without the free consent of the representatives of its people. He was glad to find that the Imperial Government was willing to owe the support of the Government to the spontaneous vote of the representatives of the people. And he (Mr. Gowan) after having first voted for the Address would then move in amendment that the following words should be added thereto: - "the only Constitutional source that House could recognize, the spontaneous liberality of the people." There was one word which had been introduced into the Speech from the Throne, which he was sorry to see there; he alluded to the "unavoidable" expense attendant upon the removal of the Seat of Government; he believed that it might have been avoided; he looked upon that removal as most unjust. He had been present with two other Members of that House when Lord Sydenham had pledged himself that it should not be removed, and he had refused to vote for the measure until that pledge was given; but the solemn pledges then given had been grossly violated. With regard to that portion of the Address which related to economy, he was sure that any

measures for diminishing the public expenditure would be well received by all the Hon. gentlemen of that House. He was of opinion that there was no necessity for four Crown Officers; and that one Attorney General and one Solicitor General would suffice. He saw no use in keeping up the distinction of Eastern and Western Canada. He trusted that instead of there being four political functionaries, as during the last Administration, with Queen's Counsel running over the Province, doing their duties, there would be but two. He would be also glad if the offices of Surveyor General and Commissioner of Crown Lands were consolidated.³⁷

MR. CAMERON - Oh!³⁸

MR. GOWAN - Yes, Sir, and any hon. member who had had occasion to call at those departments on business for himself or constituent, must have felt how much difficulty would have been obviated if there had been one head to the two departments. He trusted it would not be long before he saw the Secretary for Upper Canada in his place in that house to answer some enquiries touching certain appointments to office which had been made.³⁹

Hear! hear! from the Opposition.⁴⁰

It was his (MR. GOWAN'S) intention to move an amendment to the following paragraph of the Address - "That this House fully confides in the declaration of his Excellency, that he will continue to administer the charge entrusted to him, by Our Most Gracious Sovereign according to the acknowledged principles of our Provincial Constitution, and with a view to the wants and wishes of the community" - by adding thereunto "as deliberately expressed by their Representatives in Parliament." He had understood the hon. member for the fourth Riding of York to have objected on making his amendment, that the principles of Responsible Government were not sufficiently defined, and he (Mr. Gowan) agreed with him that there was a want of explicitness, it would be better to supply. The section he had read then went on thus: - "And this House learns, with exceeding satisfaction, that on the occurrence of vacancies in several of the most important offices of the administration, immediate efforts were made by his Excellency to fill them by gentlemen supposed to possess the confidence of the people. While they rejoice at the assurance of his Excellency's incessant exertions to supply these vacancies, they nevertheless regret to learn that obstacles should have intervened to delay the accomplishment of this constitutional purpose."

To this he proposed to add the following line: - "And this House now hopes to see the Provincial Administration speedily completed on the true principles of the British Constitution."⁴¹

Hear! hear! from the opposition!⁴²

He ((MR. GOWAN)) felt that if he were to vote for the amendment proposed by Mr. Baldwin, it would be not only expressing his want of confidence in the present Administration, but in the Parliament of England. (Hear!) and in the Ministry of England, for they had declared their cordial approbation of the acts of the Government. If he were to record his vote for that amendment, it would be tantamount to saying that he had no confidence in Sir Robert Peel, in Lord John Russell, or the other great men of the country.⁴³

Laughter from the opposition Benches!⁴⁴

The Hon. gentlemen might laugh, but he ((MR. GOWAN)) thought the laugh was more on this side of the House, for those great men had declared that they had no confidence in the Member of the opposition. (Cheers!) He would allude to the subject of the rupture between the Head of the Executive and the late Cabinet. The estensible (sic) causes of that rupture as stated by the public prints, the only means of information they had upon the subject, were two; one, the refusal of the consent of the Crown to a certain Bill, and the other, the subject of patronage. These were the two prominent subjects put forth in that House at the debate upon the rupture. In relation to the Secret Societies Bill, he would ask the Hon. gentlemen opposite, whose consent it was that the Governor General was called upon to give? Was it that of the Council? No! Was it that of the Executive? No! Whose was it then? If they would refer to the words in which the Governor General gave or withheld assent they would find that was that of Her Majesty. Could it be said that this was Responsible Government to hold the Governor General responsible for an act not his own? It was the Crown alone which was responsible. But perhaps he might be met by the Hon. gentlemen with the plea of assent having been refused to the Bill, after they had been allowed to legislate upon the subject; what would they have said if upon mentioning their intention to His Excellency he had flatly refused to give his consent - if he had said to them: - "Gentlemen, I will not permit you to legislate on this subject" - would they not have said that the Governor General had obstructed the legislation of the country. But His Excellency had taken a different course, after stating his objections to the measure, he had allowed them to legislate upon it, and then reserved the Bill for her Majesty's consideration. The conduct of the Hon. gentlemen of the administration reminded him (Mr. Gowan,) of that of a certain party in the English House of Commons during the commonwealth, who passed an ordinance that no member should bring in any bill contrary to the pleasure of his highness the Protector. It was far better in a measure of such doubtful character as the Bill in question that it should sustain the delay of a passage to England for the signification of her Majesty's pleasure concerning it, than after being allowed to pass into a law here, it should have been erased from the statute books by the veto of the British Government. In the matter of patronage he believed would be found the real grounds of division between the Governor General and the late Ministers; it was from a scramble for

place and pay, for the loaves and fishes. He (Mr. G.) viewed the Governor General as he had been represented elsewhere out of the circle of the prejudices of this land, as a high minded liberal man, one who was no monopolist and would not allow the loaves and fishes to be engrossed by one party. (cheers!) He would ask the Hon. gentlemen opposite where they would find an instance of a government professing to act upon the principles of responsibility, dismissing its subordinate officers for exercising the right of voting for whomsoever he pleased? He would ask the Hon. gentlemen where they could find an instance of a Responsible Ministry discharging a Clerk of the peace, a District officer, paid out of its funds, for having exercised the privilege of recording his vote as he pleased? And yet that very instance would be found recorded and justified in the last letter of "Legion," the President of the Council of the late administration, Did the Hon. gentleman recollect the case of his friend on the right, Mr. Murney, who, having obeyed the call of the inhabitants of his native country, to come forward, had been elected by them in preference to the late Attorney-General West; and was therefore dismissed from office and the bread taken from his mouth, but fortunately he was sufficiently independent in his means as to be able to live without it. Did the Hon. gentlemen know who it was that perpetrated such an act against a man possessing a character as stainless as any in that House. What would be thought of a similar case in private life, if a merchant were to send for his clerk, enquire of him how he was going to vote, and dismiss him for daring to hold a different opinion to his master? Would not such a man be held up to public scorn? How much more guilty then were those who, being public trustees for all parties, Whig or Tory, had done such an act, than the private individual, who had at least this excuse, that the establishment was his, and the man his own servant, (cheers!) He (Mr. G.) hoped he would never live to see the day when the administration of the country paid men for their principles and not for their services. Such a practice had indeed been introduced among their neighbours on the other side of the water, a practise founded on the principle that "to the victors belong the spoils". In better days when Washington and Jefferson were at the head of affairs, such had not been the case; they had viewed the American people as one great family, and rewarded all according to their merits; but now power in that Republic was exclusive, and no offices of honor or emolument were conferred on any but members of the reigning party. He (Mr. G.) repudiated such a doctrine, he had been always opposed to exclusiveness.⁴⁵

MR. AYLWIN - I repudiate it too, sir. (Oh! oh!)⁴⁶

MR. GOWAN - Then sir, I presume you opposed your late colleagues, and were overruled.⁴⁷

MR. AYLWIN - No, I did not.⁴⁸

MR. GOWAN - The other Hon. Gentlemen of the late administration did not repudiate the principle.⁴⁹

MR. AYLWIN - Yes, they did.⁵⁰

MR. GOWAN would refer the Hon. gentleman the late Sol. Gen. for Lower Canada, to the letter of Legion which he had before alluded to, in which that very principle was acknowledged justified.⁵¹

MR. AYLWIN - I have not read the letters; it was not so.⁵²

MR. GOWAN would leave the matter to be settled between the late President of the Council, and the Hon. gentleman.⁵³

MR. AYLWIN I thank you! you may settle it yourself.⁵⁴

MR. GOWAN was happy to hear of the conversion of the hon. gentleman.⁵⁵

MR. AYLWIN - That has always been my opinion. (Order!)⁵⁶

MR. GOWAN - There was another measure of the late Ministry which had for its object, the support of one party against all others, he alluded to the Bill relative to the holding of public meetings. Its profession was to secure peace and fair play, but when it was brought into operation, it was found to be intended for one party only. It, in point of fact, constituted all meetings "Secret Societies"; it made public assemblages, private meetings, and established a system prevalent in the United States of America, where Loco-Focos met on one day, and Whigs upon another, and it was considered a gross violation for any discussion to arise through the presence of the opposite party. What was the result of the advocacy of the exclusive principle by the late Ministry; did they not send an order to the Sheriff of Toronto to withdraw the Government Advertisements from the papers having the greatest circulation, and to transfer them to one far inferior?⁵⁷

MR. AYLWIN - Name! Name!⁵⁸

MR. GOWAN would name the Patriot and also the Statesman among others. He would ask the hon. gentleman opposite why the advertisements of contracts, sales of public lands, and other duties to be performed were published at all, if it were not to bring them to the knowledge of all parties in the land? It was not surely expected that but one party was to become contractors, or purchasers, or otherwise interested in those announcements. It was therefore incumbent upon every Government to give its advertisements to those journals possessing the largest circulation, and whenever this principle was sacrificed for political ends, it was a gross violation of the public trust. He remembered that one hon. gentleman, a very candid and able member of the late administration had stated, in a speech delivered to the Electors of Frontenac, and which was afterwards published in pamphlet form, "that it would have been absurd in the Government to have rewarded the enemies of the Government", but, in his (Mr. Gowan's) opinion, the absurdity was in regarding any man of opposite

opinions as an enemy to the Government. Every good subject was a friend of the Government. If the doctrine laid down by Mr. Hincks, and the late President of the Council were carried into effect, all Sheriffs, Magistrates, Municipal Officers, yes, and all Jurors too, would be chosen from one faction, for the late Ministry had brought in a Bill to disqualify, as Jurors, one half of the adult population of Upper Canada. How could a man of the opposite party go into a Court of Justice where he would find the Judges, the Sheriffs, the Magistrates, ranged against him, and all possessed of a political bias against him. He hoped he would never see that reign restored again. Could the hon. gentleman point out a single instance when an English Ministry retired from office, that the Subordinate Officers, Magistrates, and Sheriffs were turned out to make room for the friends of the new administration. No! but there are plenty of instances on record where such had not been the case with even the higher officers of Government.⁵⁹

MR. AYLWIN - Name! name!⁶⁰

MR. GOWAN - The Whigs, upon resuming power, had returned Lord Hill as Commander of the Forces, although he was a Tory.⁶¹

MR. AYLWIN - I don't want British, but Canadian instances.⁶²

MR. GOWAN - The hon. gentleman should have Canadian instances. Were not Sir Francis Bond Head, Sir George Arthur, Lord Sydenham, and Sir Charles Metcalfe, sent out as Governors to this Province by Ministries of directly opposite political opinions. In England it was the merits of the person and not his political principles which recommended him to office. He hoped the hon. gentleman was now satisfied that such was the case.⁶³

No! from MR. AYLWIN.⁶⁴

((MR. GOWAN continued: -)) Then neither would he be convinced if an Angel came from Heaven (Order! Order!) The people of the country of opposite opinions to those in power would have become little better than the slaves in the West Indies, before the emancipation, if the system of proscription had been continued much longer. Public officers, both in Toronto and Kingston, had been prevented from voting according to their consciences, from the fear of dismissal.⁶⁵

Name! Name!⁶⁶

((MR. GOWAN cried:)) No! it was not fair to name those who had been placed in that humiliating situation. England gave twenty millions of money to emancipate her black slaves in the West Indies, and it is not too much that the people of this province had laboured for one week to give emancipation to those who have been looked upon as white slaves.

(Hear! hear!) He (Mr. Gowan) was not one of those slaves. He had at all times expressed his opinions freely, and had never been a seeker of office. He had been asked for instances in which persons, holding opposite opinions to the Government, had been appointed to office; he knew many such cases. A gentleman near him had that moment informed him that he had been appointed to the Commission of the Peace in his own district, while he stood in opposition to the Government. He (Mr. Gowan) could himself bear testimony that in the district of Johnstown many Magistrates and Militia Officers had been appointed during what was called the Conservative Administration, the incumbents of which offices were opposed in politics to the then Ministry. The hon. Speaker would himself remember that, during the administration of Sir Francis Head, certain gentlemen were removed from office, as they alleged, because they were Reformers, but in reality because they had used disrespectful language towards the head of the Government. What was the result? Meetings were held - Reformers were called upon to stand up for their Constitutional rights - large sums were contributed, and a gentleman was sent home as a delegate, to remonstrate. There were instances in which the whole of Western Canada had been dismissed, as they stated, on account of their political opinions. A gentleman from the Fourth Riding of York, had told them yesterday that he was determined not to give factious opposition to the Government. He (Mr. Gowan) hoped he would not - for why should gentlemen on the other side refuse to accept good measures, merely because they proceed from the gentlemen now occupying the Treasury Benches? He trusted the gentlemen opposite would allow the response to be given which was proposed, with certain verbal amendments. (Hear! hear!) Yes, they are verbal amendments.⁶⁷

"We want substantial ones."⁶⁸

He ((MR. GOWAN)) would vote against the amendments proposed by the gentleman from the Fourth Riding of York, but, in voting for the general resolutions, he would do so with the intention of moving the amendment which he had referred to.⁶⁹

MR. PRICE commenced by stating that he would not have addressed the house at so early a period of that nights debate but from some unfair conclusions which the hon. member for Leeds had drawn from a religious article which had lately appeared in the columns of the Toronto Examiner. The hon. member had read from that paper a severe attack against State Churches and particularly against the Churches of England and Rome for the purpose of creating a bad feeling in the minds of hon. members from Eastern Canada against the Reformers of Western Canada. The hon. member had stated that the Examiner was one of the organs of the Reform Association, which he said no longer existed, and he had attempted to identify that body of Reformers with the religious sentiments of the editor of that paper. He (Mr. Price) could assure that hon. member that the Reform Association of Canada was still in existence and was never in a more flourishing and prosperous condition than at present, and that he had the

honor of being one of its members - he denied that that paper was the organ of the Association. It is true its political sentiments with the political sentiments of the Toronto Globe were held in common with the members of that Association. Those talented papers were the property of their respective editors, and were conducted entirely by themselves without any control direct or indirect, from any political body whatever. The editor of the Examiner entertained religious sentiments different in some respects from every other religious denomination in the Province. He had a right to entertain those sentiments and was responsible to no man for them - that was a matter between his conscience and his God. He had not made an attack upon any one Church but upon all churches without regard to creed - he professed to be anxious to bring the Church of Christ to its original simplicity, and therefore he denounced all systems which set apart a privileged class of paid clergymen to expound the law of God. That opinion is the Editors own, not the Reformers. That opinion is held by some Tories as well as Reformers in Toronto - and the Reform Association has nothing to do with religious disputations - it is purely political and it was unjust in the hon. member to attempt to throw religious discord into the ranks of the Reformers - the motive is easily seen through. Does not the hon. member know that another paper once edited by a political advocate of Sir Charles Metcalfe's policy - a man who has thrown aside the garb of a Christian Minister and entered upon the distracting arena of political strife and confusion - has repeatedly and incessantly made attacks upon the faith of the majority of the people of Eastern Canada. I am not the apologist of one or the other, but I do condemn the attempt of the hon. member to bring up religious animosities upon the floor of this house. The hon. member has alluded to a publication which had recently appeared in print under the signature of Legion, and had stated that the author of those letters was President of the late Executive Council and that the late members of the Executive Council had agitated the country upon the difficulties into which the head of the Government had been thrown and the hon. member had condemned such a course as unconstitutional and unjust - a doctrine in some respects which he (Mr. Price) considered so monstrous that he could not allow it to pass unnoticed. What, is it possible that my honourable and learned friends when they ceased to be Executive Counsellors ceased to possess civil rights, that they had no right to set before their country the difficulties into which that country had been thrown.⁷⁰

MR. GOWAN interposed, and said he had made no allusion to the loss of civil rights, the gentleman must not create a fiction of his own in order to combat his argument.⁷¹

((MR. PRICE continued: -)) Mr. Speaker, such a doctrine, I condemn - they were representatives of the people - they were responsible to the people for their public acts - they were sincerely attached to the principles of the Constitution and had sacrificed office to maintain those principles. The hon. member has stated very uncourteously that my honourable and learned friend the member for the 4th Riding of York, had gone through the greater part of Western Canada agitating the country

against the Governor General. My hon. and learned friend has gone through three of the Ridings of the County of York, the county in which he was born and through these three Ridings only, and had addressed public meetings upon the political affairs of the Province - he had a right to do so - he was bound to do so - had he refused he would have justly merited the condemnation of his country. The late Ministers have been assailed in the most unprincipled and unjustifiable manner through the press by private scandal and in every way that was calculated to destroy their moral and political character by the friends of hon. members who now occupy their places and who profess to entertain the very same constitutional principles for the honest profession of which the late Ministers were dismissed from the councils of the head of the Government. Is it not notorious that on every great occasion Sir R. Peel, the head of the Tory party in England publicly addresses his constituents of Tamworth, upon the state of the country and upon the great questions of public policy which agitate it.⁷²

MR. GOWAN here stated that he, Sir Robert, only addressed his constituents.⁷³

((MR. PRICE continued: -)) The hon. member must be aware that that great Statesman (sic), addresses through his constituents the whole of his supporters in the United Kingdom: without some such public manifesto parties could not be kept together, and without a party the British Government could not be successfully carried on. Lord John Russell, the leader of the opposition, follows the same course - and the great public meetings in Great Britain are often attended by leading members of the administration. It was right, constitutional and just Legislation. The hon. member has stated that the Peers of England are not allowed to interfere with the politics of the country, and that their interference with the elections of the Commons is unconstitutional. The hon. member cannot deny that many of the Peers of England are engaged in the agitation of the great Corn Law question: some have joined the League whilst a far greater number are opposed to it and public meetings are continually held throughout the country, at which the Peers of the Realm attend. They have the same interest in the political questions of their country with the Commons: they take prominent parts in the discussion of them, and use a vast influence in promoting or opposing every important question. The President of the late Executive Council has a right to pursue the same course. His great talents are his country's good. It is true that the Peers of England cannot openly take a part in the election of the house of Commons - they constitute an independent State themselves - and the Constitution of England prohibits such an interference with the just rights of the people. I emphatically deny that the President of the late Executive Council has interfered in the remotest degree with the late elections. He understands our Constitution too well to do so. He has felt with every other lover of his country the unhappy state into which the country has been thrown by the unconstitutional course which the head of the Government has been advised to take during

the last eleven months and if he has thought it his duty to write upon that, or any other subject he had a perfect right to do so. The hon. member has alluded to the dismissal from office of a member of the late house, now also a member of this House, by ... the then Executive Government and defies my honourable friends to justify that dismissal by English or Canadian precedent. The honourable member must recollect, during the Wellington Administration, that Mr. Huskisson, President of the Board of Trade, was dismissed from office by the Premier upon his adverse vote to the Administration on the disfranchisement of East Retford. The noble Duke justly remarked that if he could not support the Administration, he must be replaced by one that would. And, during the Administration of Sir Francis B. Head, Mr. Ridout, who held a judicial appointment, and my hon. and learned friend member for the Third Riding of the County of York, who then represented the City of Toronto, were dismissed from offices under the Government of that day - because the first had been hostile to it in the House of Assembly and the other voted for him at the general election. At that time the head of the government was loudly applauded for those dismissals, and the universal cry of the Tories of the day was that those who live by government must support it.⁷⁴

No, no.⁷⁵

Hon. members cry no, no, but he (MR. PRICE), said yes, yes. Such was the course pursued by the party of that day, and such was its uniform practice, and now the same party bring charges against my hon. friends who were lately in the government, for acting upon such a principle, although they have been unable to establish the charge against them. It is a fact beyond all controversy, that the Tories of Western Canada, who have now returned to Parliament the supporters of the present administration, always ruled that Province for their own selfish purposes. They have divided amongst themselves a vast portion of the waste lands of the crown. They have attempted to set apart one seventh of those lands to endow the church to which they belong, to the exclusion of every other religious body, and had nearly succeeded, although the country was agitated and thrown into the greatest excitement by such an exclusive appropriation. That party had robbed the Common Schools of the lands set apart for the education of the children of the country, in order to endow the University of King's College, and had that college placed in the hands of that same high church Tory party; and yet we are now told that the policy of that party has been to do equal justice to all her Majesty's faithful subjects without respect to creed or nation. And is it not notorious that all the departments of Government are held exclusively by the enemies of the late Executive, and that 19-20ths of the offices of Western Canada are held by Tories. The hon. and learned Solicitor-General for Western Canada had informed the House that during his whole life he has been sincerely opposed to the principles of Responsible Government but that now as that principle of government is established he is prepared to carry it out in its true spirit, and if it should succeed he is willing to give to this side of the house the credit.

Mr. Speaker it would have given him (Mr. Price) much stronger faith in the sincerity of the hon. and learned gentleman's convictions upon that subject, had he changed at a period when office appeared afar off, and not at a time, when, had he denied the principle, he must necessarily have left the councils of the head of the Government - these sudden and interested changes in public men tended much, very much, to destroy public confidence in them. Could it be believed that the present administration were sincere in their avowed attachment to the Provincial Constitution, as understood by the late Executive Council and by the country at large, when they exhibited to this House the strongest practical denial to these professions? Where, I would ask, is the Surveyor-General: is he not the head of a department, and ought he not by the principles of the Constitution to be a member of this house, and answerable for his conduct to the representatives of the people? Yes, where I ask, is this twice defeated Surveyor General, and where is the twice defeated President of the Council? has he a seat in this or the other House? Who holds the office of Inspector General? - an office of the very highest importance, and the one of all others that ought to be held by a member of this honourable house. Are these the practical evidences of the sincerity of the Honourable members on the opposite side? Could he (Mr. Price) believe that the Constitution of the Province was settled and fixed upon the true principles of Responsible Government, it would be a source of the greatest delight to him that he had lived to see that great object of his political life secured to the people of this province; even although the establishment of it had placed in power his bitterest enemies, to the exclusion of those honourable friends of his who had during their whole life combatted for its establishment. But he (Mr. Price) had the strongest evidence before him that its practice was denied. Never was there an instance in English history by which such a shattered, weak, and piebald administration - such as the one occupying the Treasury Benches - being (sic) tolerated by the House of Commons. Could the hon. and learned Solicitor General point to a period when the Attorney General of England held a seat in the House of Lords, and yet the Attorney General West instead of being on the Treasury Benches is a member of the other branch of the Legislature. The hon. Members had stated - and they had advised that statement to be introduced into the Speech from the House - that the Government of the Province should be conducted according to the acknowledged principles of the constitution; and yet not one of those hon. gentlemen had thought it their duty to explain to this house what their views of the constitution were. He would ask them did they insist that the Head of the Government should consult his Executive on all matters purely provincial.⁷⁶

MR. ((H.)) SHERWOOD here interrupted Mr. Price by saying that it was unusual to put questions with the expectation of an immediate answer, the hon. Member would be answered during the debate.⁷⁷

He (MR. PRICE) was aware of the inconvenience of such a course, but he was so anxious to get a frank confession from the Treasury Benches on this subject that he perhaps had taken an unusual course; he would

however take the liberty to ask if the hon. gentlemen insisted that they were to be consulted on all matters relating to the local affairs of the Province, and especially upon appointments to office? - does the hon. and learned Attorney General East's nod assent to that? - he does; then I ask in what way did the late Council trample upon the prerogatives of the Crown? - was it by insisting upon being consulted upon precisely the same subject? and why was the hue and cry raised throughout the country by the friends of the present administration against the late Executive? It was a party cry; and the name of the Governor General had been used for party purposes to destroy the best administration that this country had ever seen. How, Mr. Speaker, does it come to pass that there is not one member of the Executive Council in this House from Western Canada? - it is true, the hon. Member for Toronto is Solicitor-General West, but then he is not trusted with the secrets of the Cabinet, he is merely the paid servant of that Executive; and yet who was louder in denouncing the late Executive for yielding too much to Eastern Canada. Can the hon. member defend his position? - and why is it that whilst the Eastern Townships and the town of Kingston are thought worthy the consideration of the government and find a place in the Royal Speech, the City of Toronto and the Home District are not even noticed? - it is true that he (Mr. Price) had extorted a promise from the Government that the Home District Roads were to be made Provincial ones; yet there could be no excuse for omitting that fact in the Speech. The hon. member has stated that he believed the majority of the Lower Canadian constituents were perfectly ignorant of Responsible Government: an assertion unfounded, in fact. Did not the character of that House give a flat contradiction to such a foolish confession? - will hon. gentlemen tell me that the members from Eastern Canada who sit on this side of the House will loose (sic) by comparison with the Tory members from Western Canada, who sit on the other side? - and is it not the strongest evidence that can be given that a people sending such sound and talented advocates of Responsible Government, must know something of that principle themselves? It has also been promulgated by the same Tory party to which the hon. member belongs, that the inhabitants of Lower Canada are altogether under the influence of their leaders, and have no opinion of their own; surely this slander has been thoroughly and completely refuted by the defeat of the hon. Mr. D. B. Viger, Mr. Molson, and Mr. Cuvillier, who, having deserted their principles, were spurned from the Polls by their indignant countrymen. These men were not to be deluded by the slander and falsehoods of their enemies, they reposed confidence in their friends and forsook them not. Let us compare them with Upper Canada. There, in many instances, the elections were carried by the foulest slander, and the most unwarranted falsehoods. The people neglected the great principle before the country, and were led by the friends of the present government to believe that Lower Canada influence was to be omnipotent, - that Upper Canada was to be sacrificed to Lower Canada - that the Protestant faith was to be subverted by the Catholic - that the Seat of government had been removed to please the French, that Bills were passed to encourage the desecration of the Sabbath, and to tax every article of furniture, and that Lower

Canada was exempt; all of which exerted an influence through our mixed population, and the great question was forgotten. I will read a document put forth just before the election, with which the country was literally deluged, containing the most unjust accusations against the late ministers and their supporters - it would be unparliamentary to call it a tissue of gross falsehoods because it may turn out that the author is a member of this house. (Mr. Price here read a handbill put forth by John Tucker Williams, and commented very severely upon it.) He (Mr. Price) would now ask could the Lower Canada constituencies be deceived by such a palpable tissue of misrepresentations? No, never, never: and yet the hon. gentlemen (sic) calls them too ignorant to understand constitutional government. The hon. member for Durham acknowledges himself to be the author of that document. The honourable member brought in a bill to extend privileges to certain religious denominations - he conducted that bill through the house - he carried it to the other branch of the Legislature - some amendments were made in that house - a conference was held upon the bill - the hon. member was a member of that conference - the bill was returned to this house, and passed, the honourable member conducting it. When the journals came out just before the elections, the words Tinkers, Barkers, Sharkers (sic) &c., were introduced into the journals of the house, and the honourable member at once sends forth a charge to the country, that the ministers and their supporters had introduced those words, when he must have known it was false, and he now has the indecency to move for a committee of enquiry instead of allowing some disinterested member to do so. He and he alone conducted the bill, and he knew that there was not such a clause in it, and yet he sends it forth to the world, and charges the late ministers and their friends with the gross violation of the privileges of the house. He has found out at length that the outrage has been committed since the journal left the house to be printed, but his acknowledgment of this fact does not repair the mischief that these falsehoods have created. I will now, Mr. Speaker, with the indulgence of the house, take a glance at the proceedings of the Legislature of Upper Canada upon the subject of the Union of the Provinces to shew the even-handed justice that the hon. Solicitor-General and his friends were prepared to mete out to their fellow subjects in Lower Canada. It is exceedingly convenient for those honourable members now to express their desire that their past conduct, as public men, should be forgotten, and that they should be judged by acts hereafter to be performed, that in truth my honourable friends around me should abandon their party and give confidence to their old consistent enemies.

In the journals of Upper Canada House of Assembly, for the year 1840, when the subject of the union was brought before the House of Assembly, the friends of the then government moved the following resolution: That the House concur in the proposition that there be an equal representation of each province to the united legislature. To which Mr. Sherwood, seconded by Mr. Rykert, on amendment, moved, "That after the word Resolved, the whole be expunged, and the following inserted: That this House cannot concur in the proposition, that there be equal representation of each province, but are of opinion that the number of members to be

returned to serve in the House of Assembly of the United Legislature be as follows: From Lower Canada 50: from Upper Canada, as at present, 62 members," and then follows an address to the Crown, in which, amongst other things, are the following words: "That the English language alone should be the lanugage of the United Legislature." (The hon. member read the whole of the address.) This, sir, is the even-handed justice that those hon. members on the other side of the house would mete out to you, and for this they ask for your confidence and support, and they would not induce you to repose entirely in their professions of sympathy and justice towards you. They cannot conduct the government successfully without your aid, or they never would have offered you even-handed justice. The hon. the Solicitor-General has spoken somewhat triumphantly of the issue of the elections, and particularly of those in the 3rd and 4th Ridings of the County of York. He talks of the reduced majorities of his (Mr. P.'s) hon. and learned friends who represented those Ridings, but he begged to inform the hon. member that so far from the majority of the hon. member of the 4th Riding of York being reduced, he had polled 130 votes over his majority at his last election, and his (Mr. Price's) majority was larger than in 1841, although the hon. member the Solicitor-General, had used all his influence against him. The hon. member saw no harm in interfering with the elections himself although he had repeatedly charged his (Mr. Price's) hon. and learned friend with doing wrong in pursuing the same course. The hon. and learned member had little to boast of in his majority of three, composed as it was of the most discordant materials. Two gentlemen had lately exhibited their skill in turning the elections - Mr. Ryerson and Mr. Isaac Buchanan - and boasted of the great influence they possessed in the country, and they became the willing and hired scribes of the Head of Government to write into power a middle party of easy political virtue, and if such a party existed, the hon. Solicitor-General numbered it with his majority. Who are the members on that side of the House (there are none on this) who are indebted to Messrs. Ryerson and Buchanan for their seats?⁷⁸

Loud and general cries of, there are none.⁷⁹

((MR. PRICE continued:)) Honourable gentlemen must forget themselves. The Deputy Superintendent of education received this appointment for having exerted his influence in returning so many members to this Parliament, - where I ask are the middle men - the men thus returned by the learned Leonides?⁸⁰

Here the members on the Ministerial Benches, with one voice exclaimed that there was not one on that side of the House.⁸¹

((MR. PRICE continued: -)) What none - no, not one member returned after so much sacrifice of principle and toil: he believed it. It is true the Ministers can boast a majority of some four or five members, but let it be remembered that three members of the opposition have not yet arrived in Montreal, and one sits for two places. The majority is made

up of the members of what in England would be called rotten boroughs. The member for West Halton boasts of a majority of 6; Middlesex was won by a majority of 7, - at this election the Reformer polled 993, the Tory 1000 votes, and the Government candidate 46. Oxford was won by a majority of 20; Leeds by 33 or 4; thus you see, Mr. Speaker, the Ministers have little to boast of but much to fear. The hon. and learned Solicitor-General, at a public meeting in Toronto, had stated that the late Executive was proscriptive; that they had ruled by a party, through a party, and for a party, but that the present Government would rule by a party, and through a party for the whole country. This flourish of Rhetoric did very well at a public dinner, where no one could contradict him, but he (Mr. Price) most emphatically denied the charge. The late Executive had ruled by a party for the benefit of the whole community - their public acts prove it. They attempted to rid King's College of its exclusiveness, and open it to all religious creeds. Were not the Municipal Bill, the School Bill, the Jury Bill, the Agricultural Bill, the Purity of Parliament Bill, the strongest evidence of the liberal policy of the late Executive? All their measures were framed and intended to increase the happiness and secure the good government of the people without regard to creed or party, and future ages will hail them as the friends of their country. It is amusing to hear hon. members on the Treasury Benches boast of their friendship to Responsible Government and Reform, and to observe how they wince under the charge of being Tories. What! are the hon. members ashamed of the principles in which they have been brought up, and through the avowal of which very many of them had been returned to this Parliament! What will the great Tory party out of the house think, when they find the Tories in the house assuming the garb of Reformers? The party to which I have the honour to belong, have been branded with every opprobrious epithet that could be devised by their enemies, whilst contending for the great principles of our constitution, and now these very men, who at the hustings declared that Responsible Government was separation, in their places in Parliament during this debate, have declared before the country that the political friends of him (Mr. Price) had been perfectly right. Public men should be very guarded how they enunciated principles out of doors that they might have to eschew in their places in this house. He (Mr. Price) feared that he had trespassed too long on the indulgence of the house. He would trespass no longer. He thanked the house for the kindness and attention with which they had heard him. There were many important points to which he had intended to address himself, but he would not now do so. He would conclude by expressing his approbation of the amendments of his hon. and learned friend to the Speech from the Throne, and to give it his support.⁸²

MR. DUGGAN said he came to that house not only as a supporter of the rights and interests of his own constituents, but of those of the province at large. As to the allusions made by Hon. members in the circumstance of gentlemen on this side of the house, who were formerly of diverse political sentiments, being now found associated, - it would have been more in place if gentlemen, instead of quoting political squibs from

the newspaper, had taken up public records, and told the House what was the true issue before the country; - the Constitutional issue was to be found in the journals of that House; - he would explain the causes which had rendered it almost impossible for the public to give a right verdict. He had heard a member of that House, a late Executive Councillor, state, at a political meeting, that the way in which appointments were made was utterly disgusting, that means the most pernicious and objectionable were resorted to, to destroy the country, by the Representative of the Crown, and that he and his colleagues, the only champions of liberty, had resigned their situations for the purpose of avoiding a participation in such treacherous proceedings. That gentleman further stated that the Head of Government had deliberately commenced a crusade against our liberties. He (Mr. Duggan) would ask whether conduct like this would not account, in a great measure, for the difficulties which had beset the Head of Government? He trusted it would not again be brought forward in that House, as an argument that the people of Upper Canada did not understand Responsible Government. He concluded by saying that he would support the address in answer to the speech, and that in future his chief aim would be to apply his attention to such measures as he considered most calculated to promote the good of the country, and by so doing he thought he should best discharge his duty to his constituents.⁸³

MR. WILLIAMS rose, he said, to vindicate himself from the aspersions which had been cast upon him - he referred particularly to some observations which had been made by the Hon. Member from the First Riding of York, in the course of the remarks which he had addressed to the House, and in which that Hon. Member had made allusions to an address published by him (Mr. Williams,) to his constituents. That address, he said, was issued in consequence of certain papers emanating from the Reform Association, in which it was stated that he (Mr. Williams,) dared not present himself before his constituents - the false representations made by that Association had induced him again to become a Candidate contrary to his vote. Mr. Williams recapitulated the various charges which had been made against him, as well as the various portions of his address, which contained his justification.⁸⁴ Mr. Williams ((had)) introduced into the House the Bill relating to dissenters, in which those interpolations (sic) were subsequently made by which religious bodies recognized by law were classed with "Tinkers, Sharpers, Shavers, Gipsies," &c. Mr. Williams in his address charged the outrage upon "the late ministers, or one of them;" he now admitted that he was in error, although coming from the hands of a committee of which Mr. Sullivan was chairman, and being inserted in the journal of the Legislative Council, he had good reason to draw the inference which he had done.⁸⁵ ((He)) concluded by observing, that as he believed he had never swerved from the truth, he must be convinced that he was wrong before he could be induced to alter the course which he had invariably pursued. He would give his hearty support to the address which had been brought forward by the gentlemen on this side of the House, and should vote against the amendments.⁸⁶

MR. J. S. MACDONALD defended the measures of the late Ministry, and attributed the opposition to the Assessment Bill to interested motives on the part of large holders of real estate in the country. The large salaries of the Heads of Departments were not fixed by the late Ministers,

but by their predecessors - by a Government of which the Hon. Member for Megantic and the Hon. Attorney General West were Members (hear.) He confessed that when he saw such men on the other side of the House as the Hon. Member for Simcoe and the Hon. Member for the Second Riding of York he felt some misgivings as to the sincerity of the professions of Ministers to carry out Responsible Government. He had heard no argument from those Hon. gentlemen to convince him that the interregnum was justifiable; he would therefore vote for the amendment of the Hon. Member for the Fourth Riding of York. He would do so, because he conceived a great Constitutional principle to be involved. On general measures, however, he was prepared to support the Government if of that character which would permit of his doing so conscientiously.⁸⁷ OR He declared, ... that it should be the last vote which he should ever give with them!⁸⁸

((M. PAPINEAU a dit:)) M. L'Orateur,

A cette heure avancée de la nuit je me proposais de ne pas parler aujourd'hui.⁸⁹

Parlez plus haut on ne vous entend pas ce côté-ci⁹⁰

M. P((APINEAU)): faites moins de bruit et écoutez mieux, vous m'entendrez.

Je disais donc, Mr. l'Orateur, que l'heure était si avancée que je m'étais proposé de ne rien dire aujourd'hui sur la question qui fait le sujet des délibérations de cette Honorable Chambre: mais j'ai été si souvent et personnellement interpellé (sic) et interrogé par l'Hon. Membre pour le 4e Riding de York que je ne puis m'empêcher de dire quelques mots. Je commencerai d'abord par faire quelques observations générales, puis j'en viendrai à répondre un peu plus directement aux questions de l'Hon. Membre.

D'abord, je dois observer, Mr. l'Orateur, qu'il me paraît que l'on a trop parlé de ce qui a eu lieu, de ce qui s'est passé dans les deux Sections de la Province, avant leur réunion; que l'on a mis trop d'acrimonie, d'amertume, d'insistance dans les reproches faits à plusieurs individus pour les opinions qu'ils ont pu avoir dans des circonstances entièrement différentes de celles où nous nous trouvons maintenant. En effet, nous avons des Institutions toutes nouvelles; notre constitution actuelle, le gouvernement responsable ne datant que d'hier⁹¹.

M. AYLWIN, que d'hier?⁹²

((M. PAPINEAU:)) Que d'hier?⁹³.

M. AYLWIN ... , Ah, qu d'hier?⁹⁴

((M. PAPINEAU:)) Qui Monsieur, je le répète, que d'hier seulement. Vous devez savoir qu'en français on peut dire en parlant d'un événement comparativement récent qu'il n'a lieu que d'hier, si vous ne le savez pas, consultez votre dictionnaire: il vous ... l'apprendra.

Pourtant, M., vous nous avez dit l'autre jour que vous n'entendiez pas l'anglais. Si c'est le cas, je puis vous dire que vous n'entendez ni l'anglais ni le français. Notre constitution, notre gouvernement responsable, ne datant que donc d'hier, nous manquons de données pour pouvoir nous diriger.

On a parlé de tories, de conservatifs (sic), de radicaux, de modérés, de réformistes. Tous ces termes me semblent bien vagues, et ne peuvent servir à diriger les opinions maintenant des individus, qui ont dû nécessairement être essentiellement modifiées par le nouvel ordre de choses. Avant la passation d'une loi et pendant sa discussion, il est libre à chacun d'avoir son opinion, de tâcher de la faire prévaloir s'il lui est possible; mais la loi une fois passée, c'est un fait accompli auquel tous les partis sont obligés de se soumettre. Il ne leur reste plus que de tirer le meilleur parti possible des circonstances où la loi les a placés, et pour cela, il faut se rapprocher, se faire des concessions mutuelles afin de travailler de concert à promouvoir les intérêts communs du pays, sans s'amuser à reprocher à M. un tel ... ((ou un)) tel d'avoir eu précédemment telle ou telle opinion.

Il me semble, M. l'Orateur, que l'on s'est trop attaché à aller chercher à tout propos et pour toutes sortes de sujets, des précédents en Angleterre, sans considérer que pour la plupart du temps ces exemples ne sont pas strictement applicables à notre état de Société Coloniale, et ne peuvent l'être, puisque nous n'avons pas ici les mêmes éléments que là, et je vais le prouver.

Ici nous n'avons pas de roi, nous n'avons qu'un représentant de la royauté. En Angleterre le roi règne mais ne gouverne pas. Ce qui prouve, qu'en langage constitutionnel, le mot régner implique plutôt un état passif qu'un état actif, c'est qu'en Angleterre, un roi peut être un enfant, un insensé, sans, pour cela, cesser de régner. Mais ici, M. l'Orateur, le gouverneur doit être un être actif. Que disent les résolutions de 1841? Elles disent positivement qu'il doit gouverner; elles ne disent pas qu'il doit régner. Il est chef de l'exécutif: comme tel, il doit avoir un conseil exécutif, il ne peut pas plus agir sans les membres, que les membres, sans le chef.

En Angleterre il y a une aristocratie, tenant de sa naissance même le droit de siéger dans la chambre des lords. Les membres de cette aristocratie avaient autrefois dans leurs domaines les mêmes droits de souveraineté que le roi dans les siens: ils y étaient législateurs. Il est vrai que dans la suite des temps, leurs droits, leurs privilèges ont été grandement modifiés; mais actuellement encore ils représentent des intérêts, des droits souvent distincts de ceux du reste de la population. Ici où est notre aristocratie? Où est notre chambre des lords? Il est vrai que nous avons un conseil législatif, mais ce n'est qu'une seconde chambre, et ses membres ne représentent aucun intérêt, aucune classe qui ne soient déjà représentés (sic) dans la chambre d'assemblée.

Il est vrai que nous avons la chambre d'assemblée, et c'est là le

seul élément que nous puissions avec justesse comparer à la chambre des communes. Ainsi, M. l'O., manquant de deux éléments aussi essentiel sur trois, de la constitution Anglaises (sic), comment pouvons nous donc dire que les précédents tirés de là, soient applicables à notre état actuel de Société?

Il faut bien se rappeler, M. l'Orateur, que la constitution Anglaise est une constitution non écrite; la nôtre est une constitution écrite. Il n'y a pas deux des constitutions des colonies anglaises qui soient strictment (sic) semblables. La métropole en donnant une constitution écrite à une colonie, lui dit en propres termes: VOUS IREZ JUSQUE-LA, ET PAS PLUS LOIN. Vous me direz sans doute, qu'alors nous ne jouissons pas de tous les droits et des privilèges de sujets anglais. J'en conviens, M. l'Orateur, c'est un grave inconvénient, mais c'est le résultat de notre état de colonie. Ces privilèges nous appartiennent potentiellement, mais tant qu'ils ne sont pas mentionnés dans notre charte constitutionnelle, il ne nous reste pour remède que de pétitionner, que de demander l'extension de droits trop restreints. Et nous devons les demander jusqu'à ce qu'ils soient accordés.

Mais, me direz-vous, nous avons au milieu de nous un grand nombre de nos concitoyens qui sont venus de l'autre côté de l'Océan, maintiendrez-vous qu'en venant ici ils aient abjurés leurs droits? A cela, je répondrai qu'en venant ici, ils n'ont pas dû s'attendre à laisser un état indépendant pour aller dans un autre état indépendant. Qu'en venant ici ils ont dû se soumettre à une modification de leurs droits. Ils savaient qu'ils venaient dans une colonie, ils se sont volontairement fait leur propre sort. Ils doivent s'y soumettre.

Mais encore une fois, M. l'Orateur, si, ensemble ou séparément, nous pensions être lésés, ou avoir droit à une extension de ces droits et privilèges de sujets anglais trop restreints par notre constitution écrite, demandons-les jusqu'à ce que nous les ayons obtenus.

On m'a demandé, M. l'Orateur, pourquoi j'avais pris une des banquettes de la trésorerie, et que j'appelle, moi, des banquettes ministérielles, parce que nous ne devons pas mettre la main dans le trésor.

J'y suis parce que j'y tiens une des places abandonnées par ceux qui m'ont précédé; qui ont abandonné le poste où la patrie les avait placés pour y défendre ses droits et veiller sur ses plus chers intérêts; parce que j'y ai été appelé par le chef de l'exécutif après avoir consulté mes constituants. Après avoir communiqué à mes constituants les offres qui m'étaient faites, ils m'ont tous assurés qu'ils étaient tellement satisfaits de ma conduite, que leur confiance en moi bien loin d'être diminuée, dans le cas où j'accepterais les offres sur lesquelles je les consultais, ne ferait qu'augmenter par mon acceptation, et pour preuve, ils m'ont élu unanimement après m'avoir fait éprouver une très forte opposition lors de ma première élection.

On reproche à l'administration dont je fais partie de n'avoir aucune couleur, aucun caractère; on demande même par dérision si elle est réformiste? Oui, M. l'Orateur, elle est réformiste et sous le gouvernement responsable toute administration doit essentiellement être telle. Une

administration ne peut se maintenir dans cette chambre qu'au moyen de la majorité; elle doit être intéressée à examiner s'il y a des abus; elle doit être prudente dans leur correction en y substituant des réformes, des amendements sages, tempérés et graduels.

J'ai été accusé d'avoir usurpé la place de mes prédécesseurs après avoir presque constamment agi avec eux, après avoir fait partie de la majorité qui leur a donné un vote de confiance. Oui, M. l'Orateur je conviens que je les ai soutenus jusqu'au dernier moment, jusqu'au moment où j'ai cru qu'ils avaient commis une erreur lors de leur résignation. En votant avec la majorité en faveur de la motion de l'hon. membre pour le 4e Riding de York, j'ai regretté avec elle la retraite de certains membres de l'administration: je la regrette encore, mais, M. l'Orateur, cela ne veut pas dire que je les regrette tous. En approuvant par mon vote de confiance la conduite des ministres, je ne faisais qu'approuver les mesures passées par la majorité; ce n'était donc que notre propre approbation que nous votions ainsi. En les appuyant jusqu'au dernier moment, je l'ai fait comme bien d'autres en modifiant sur plusieurs points mes opinions individuelles afin de ne point causer de division. Loin donc de me faire des reproches de ce que je n'ai pas cherché à faire prédominer mes opinions, sur celle du plus grand nombre, il me semble que l'on devrait regarder cela, chez moi, comme une honnête modestie.

On nous dit que l'administration actuelle est composé (sic) de matières hétérogènes, discordantes. Je ne vois pas, M. l'Orateur, que l'administration précédentes (sic) ait de reproches à nous faire sous ce rapport. Les matériaux qui la composaient étaient-ils plus homogènes? Pourtant je ne leur en ai jamais fait de reproches; je n'ai pu les en désapprouver. Du moment que nous consentons à reconnaître des chefs nous devons avoir assez de confiance en eux pour leur laisser le choix de ceux avec qui ils voudront agir; il faut s'en rapporter à leur prudence; c'est ce que j'ai fait, bien convaincu qu'ils sauraient tirer le meilleur parti possible, pour le bien public, des dispositions (assez versatiles) des collègues qu'ils consentirent de garder avec eux.

Par rapport aux obstacles que Son Excellence nous dit avoir éprouvés dans la formation d'une nouvelle administration, je me contenterai de dire que l'un de mes prédécesseurs s'est mis à la tête d'une association ayant pour but d'assurer dans divers comtés, l'élection de membres favorables à l'ancien ministère. Il me semble que les Hon. MM. se seraient conduits avec plus de dignité de decorum, s'ils s'étaient contentés de se présenter devant leurs constituants immédiats sans aller comme plusieurs l'ont fait, dans deux et même trois autres comtés, où ils n'avaient que faire, et où ils n'allaient que dans le but avoué de s'opposer à l'élection de candidats favorables à l'administration actuelle.

J'ai été accusé d'avoir signé la proscription de la langue de mes compatriotes d'orine (sic) française en votant pour l'hon. membre qui occupe maintenant la chaire de cette chambre. Mais pouvais je faire autrement moi, membre d'une administration à laquelle son concurrent avait tâché de donner la mort politique par tous les moyens en son

pouvoir? C'eût été de ma part un acte de suicide: je ne pouvais, je ne devais pas le faire.

Si j'ai bonne mémoire, un de mes prédécesseurs nous a dit dans les explications qui ont suivi leur résignation, que, pour travailler avec avantage à l'avancement des affaires publiques, il fallait que les conseillers constitutionnels du chef de l'Exécutif réunissent la confiance de cette chambre et par conséquent du peuple, et du chef de l'exécutif ou de la couronne. Que pourtant peu de temps après l'arrivée de S.E. ils se sont aperçus (sic) qu'ils ne possédaient pas sa confiance (sic). Pourquoi donc sont-ils restés au ministère? Pourquoi ont-ils fait tant d'efforts pour s'y replacer? Pourquoi ont-ils insisté à s'imposer pour ainsi dire au chef de l'exécutif, et cela malgré lui? N'est-ce pas se mettre en contradiction avec leur propre déclaration? L'Hon. membre pour le comté de Terrebonne tourne la tête et paraît dire que non. Mais ma mémoire est bonne, je me rappelle parfaitement de ses expressions et d'autres se les rappelleront comme moi.

J'ai été accusé d'avoir changé de principes, de les avoir même reniés en consentant d'entrer au ministère. Il n'y aurait donc que mes prédécesseurs qui auraient pu entrer dans l'administration sans abjurer leurs principes? N'y aurait-il donc qu'eux qui pourraient avoir de la consistance, de l'honnêteté, des talents? La conséquence de la position qu'il assument en me faisant ces reproches, serait de substituer une question de personnes à une question de principes; ce serait dire qu'eux seuls peuvent faire le bien du pays; que par eux seuls les affaires peuvent marcher, que sans eux il ne sera permis à personne de travailler ni de contribuer à promouvoir les intérêts de notre commune patrie.

On s'est trop souvent servi, M. l'Orateur, du mot d'ennemi, dans les débats qui ont eu lieu récemment. Quand à moi je sais bien que je dois m'attendre à avoir des adversaires, des opposans; dans plusieurs de mes compatriotes, quelque soient (sic) leur opinion; mais jamais je ne consentirai à y voir un ennemi.

Je remercie l'hon. membre pour le 4e Riding de York de ses promesses de ne pas faire d'opposition factieuse à la présente administration; mais je remercie encore plus mes compatriotes de toute origine du peu d'applaudissements qu'ils ont donné à certains sarcasmes, à quelques attaques un peu personnelles par lui dirigées contre moi. L'hon. membre s'est aperçu qu'il ne lui convenait pas de continuer de lutter sur cette corde, il a eu la prudence de s'arrêter. Cela me fait penser que mes compatriotes ne renoncent pas à espérer quelque chose de moi.⁹⁵ They had not yet learnt to regard him as a renegade, or as one who would prostitute his principles to his private interests.... Loud cries of 'No, no'⁹⁶. J'espère qu'ils voudront bien ne pas me retirer leur confiance, et ne me juger que par mes actions. De mon côté je puis les assurer que je ferai tout mon possible pour que leurs espérances ne soient pas déçues.

Après ce que je viens de dire, M. l'Ort., je finirai par dire que je regrette tous les amendements proposés et que je voterai en faveur de l'adresse telle qu'elle a été proposée.⁹⁷

M. MORIN ... a dit que le gouvernement responsable était désavoué par le préopinant, que suivant lui nous n'avons pas la constitution anglaise,

que nous n'avions pas les mêmes principes; que là la constitution était ancienne et existait dans le coeur du peuple; qu'ici ce n'était qu'une invention toute moderne et limitée par un écrit.⁹⁸ For those reasons, they were told, that the ignorant Canadians could not have Responsible Government as other constitutional countries enjoyed it. But he would ask whether those who come from the other side of the Atlantic had not capacity enough to understand it? - had not the inhabitants of that Province shown, even to their prejudice, that they did understand it?⁹⁹ On a dit que le gouverneur n'a pas le même caractère que le roi, mais la différence n'existe que dans ses rapports avec le souverain, et ces rappoprs (sic) n'ont jamais été mis en question. Si notre constitution est écrite et rétrécit nos droits, il devient donc plus nécessaire de chercher à les étendre; mais on nous dit que nous n'avons que le droit de pétitionner. Cependant nous avons aussi celui d'agir. On nous a accusés assez plaisamment d'avoir abandonné nos postes, ce qui n'a pourtant pas empêché l'hon. monsieur vis-à-vis, de nous en féliciter. Nous n'avons pas résigné sans avoir emporté avec nous l'approbation de quelques-uns de ceux qui affectent de nous blâmer aujourd'hui. Et comment aurions-nous pu rester en place, et donner au peuple à croire que tout allait bien, lorsqu'en réalité notre conscience nous dictait une autre marche? Quant au gouvernement actuel il se compose d'éléments trop disparates ou trop faibles pour pouvoir exister (sic) encore longtemps. L'hon. monsieur a exposé l'injustice et l'absurdité de prétendre le blâmer parce qu'il a été au comté de Richelieu lors de la dernière élection; il a dit qu'il avait été invité par les électeurs à s'y rendre, et que ce qu'il devait à son pays l'avait obligé de remplir cette tâche qui n'avait du reste rien que d'honorable. Que l'influence qu'il avait pu y exercer ne découlait pas de moyens matériels, mais que si on y avait eu confiance en lui, ce ne pouvait-être que par suite de sa conduite bien connue, et il croyait en effet avoir assez fait pour son pays pour que ses compatriotes eussent confiance en lui (vifs applaudissemens de la part des libéraux). Quant aux principes de quelques-uns des membres qui font partie de l'administration, il est difficile de les définir; ils se disent partisans du gouvernement responsable, mais leurs actes ne sont pas d'accord avec leur profession de foi.¹⁰⁰ He ridiculed the idea of carrying on a no party Government. It was a mere dream. The Government of England was not carried on on that plan. Without party there could be no public opinion, and the people would soon be reduced to the lowest dregs of degradation (sic).¹⁰¹

(17)

On motion of Mr. Prince, seconded by Mr. Macdonell of Stormont,

Ordered, That the debate be adjourned until tomorrow, and that it be then the first Order of the Day.

Then, on motion of Mr. Gowan, seconded by Mr. Grieve,

The House adjourned.

APPENDIX, 5 DECEMBER 1844.

((NOTICE OF PROPOSED MOTIONS.))

M. LAFONTAINE avait donné avis ... que le 9 il ferait motion pour une adresse à Son Excellence le gouverneur-général, le priant de vouloir faire mettre devant la chambre copie des correspondances qui peuvent avoir eu lieu entre le gouvernement local et le gouvernement provincial depuis l'union, au sujet de la clause de l'acte d'Union qui interdit la langue française dans les procédures législatives.¹⁰²

MR. CHAUVEAU - ((gave notice of a motion)) for an address to his Excellency for a detailed account of money paid by authority of an ordinance, for roads near Quebec.¹⁰³

MR. ((ROLLAND)) MACDONALD, of Cornwall, gave notice that he would bring in a bill to extend the authority of the Court of Queen's Bench, in certain matters, into Canada East.¹⁰⁴

MR. AYLWIN, ((gave notice that)) on Monday - ((he would move)) for an address to his Excellency, for a list of the different offices of Government now filled, &c.¹⁰⁵

MR. DEBLEURY gave notice that he would, on Monday, bring in a bill for repeal of part of School Act in Canada East, and also part of the Insolvent Debtor's Act.¹⁰⁶

MR. HALE, ((gave notice that)) to-morrow - ((he would move)) for an address to his Excellency as to cause for non-delivery of Provincial Statutes of last Session, at an earlier period.¹⁰⁷

FOOTNOTES ~ 5 DECEMBER 1844.

1. The debate on this matter was reported in identical accounts by: ST. CATHARINES JOURNAL, 19 December 1844; and EXAMINER, 25 December 1844.
2. ST. CATHARINES JOURNAL, 19 December 1844.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. The debate on the Address was reported by: MONTREAL GAZETTE, 7, 10 December 1844, KINGSTON NEWS, 19 December 1844, in accounts identical to that in the MONTREAL COURIER, copied by BRITISH WHIG, 13 December 1844; BRITISH COLONIST, 13, 17 December 1844 "Condensed from Montreal Papers" and containing speeches almost always identical to those in the MONTREAL GAZETTE; EXAMINER, 18, 25 December 1844, containing identical though fewer speeches than the MONTREAL GAZETTE with the exception of a longer and more detailed speech by Price; PILOT, 9 December 1844; KINGSTON NEWS, 12 December 1844; LE CANADIEN, 13 December 1844, which contains a report of D. B. Papineau's speech copied from L'AUORE, 12 December 1844, which was also translated by MONTREAL GAZETTE, in its issue of 10 December, and copied from the GAZETTE by the BRITISH COLONIST, 20 December 1844. The debate on the Address was also briefly noted in identical terms in: PILOT, 9 December 1844; BROCKVILLE RECORDER, 19 December 1844; MONTREAL TRANSCRIPT, 10 December 1844; LE CANADIEN, 9 December 1844; EXAMINER, 25 December 1844. All these accounts were probably copied, either directly or indirectly, from the MONTREAL COURIER, which the BROCKVILLE RECORDER acknowledged as its source, and the MONTREAL GAZETTE, 7, 10 December 1844, both of which the BRITISH WHIG acknowledged as its sources. The PILOT, 9 December 1844, also provides a commentary on some of the speeches delivered.
15. MONTREAL GAZETTE, 7 December 1844. The KINGSTON NEWS, 12 December 1844, noted that Gowan's speech occupied "the attention of the house nearly two hours attacking the late ministers chiefly upon the measures of their administration, which he reviewed with much severity."
16. MONTREAL GAZETTE, 7 December 1844.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.

23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. KINGSTON NEWS, 12 December 1844.
35. MONTREAL GAZETTE, 7 December 1844.
36. IBID.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. IBID.
44. IBID.
45. IBID.
46. IBID.
47. IBID.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. IBID.
55. IBID.
56. IBID.
57. IBID.
58. IBID.
59. IBID.
60. IBID.
61. IBID.
62. IBID.
63. IBID.
64. IBID.
65. IBID.
66. IBID.
67. IBID.
68. IBID.
69. IBID.
70. EXAMINER, 25 December 1844.
71. MONTREAL GAZETTE, 7 December 1844.

72. EXAMINER, 25 December 1844.
73. IBID.
74. IBID.
75. IBID.
76. IBID.
77. IBID.
78. IBID.
79. IBID.
80. IBID.
81. IBID.
82. IBID.
83. MONTREAL GAZETTE, 7 December 1844.
84. IBID.
85. KINGSTON NEWS, 12 December 1844.
86. MONTREAL GAZETTE, 7 December 1844.
87. IBID.
88. KINGSTON NEWS, 12 December 1844.
89. L'AUORE, 12 December 1844. The AUORE prefaced its report by saying: "Voici le discours tel que prononcé par l'hon. D. B. Papineau sur la question de l'Adresse, en Chambre, et qui ne ressemble pas tout à fait aux quelques absurdités que la Minerve lui fait débiter dans son analyse des délibérations parlementaires sur cette question." The MONTREAL GAZETTE, 10 December 1844, in presenting its translation of this speech, noted: "The following will be found to be an accurate report of the speech of the Hon. D. B. Papineau, delivered on Thursday night, in the depate (sic) on the address...." The KINGSTON NEWS, 12 December 1844 reported that: "Mr. Papineau rose in his place, and addressed the House for the space of probably twenty minutes or half an hour in the French language; speaking with great fluency and apparent ease.-"
90. L'AUORE, 12 December 1844.
91. IBID.
92. IBID.
93. IBID.
94. IBID.
95. IBID.
96. KINGSTON NEWS, 12 December 1844.
97. L'AUORE, 12 December 1844.
98. LA MINERVE, 9 December 1844.
99. MONTREAL GAZETTE, 10 December 1844.
100. LA MINERVE, 9 December 1844.
101. MONTREAL GAZETTE, 10 December 1844.
102. LE JOURNAL DE QUEBEC, 17 December 1844. This notice was also reported by: LE JOURNAL DE QUEBEC, 14 December 1844; PILOT, 16 December 1844; and ST. CATHARINES JOURNAL, 19 December 1844, and EXAMINER, 25 December 1844, in identical accounts.
103. ST. CATHARINES JOURNAL, 19 December 1844. This notice, and the ones following, by Messrs. Macdonald, Aylwin, DeBleury and Hale, were reported by: ST. CATHARINES JOURNAL, 19 December 1844, and EXAMINER, 25 December 1844, in identical accounts.

- 104. ST. CATHARINES JOURNAL, 19 December 1844.
- 105. IBID.
- 106. IBID.
- 107. IBID.

FRIDAY, 6 DECEMBER 1844.

(17)

Petitions
brought up.

The following Petitions were severally brought up and laid on the table:--

By Mr. Leslie, The Petition of the Reverend C. J. Primeaux, and others, of the parish of Ste. Anne de Varennes, and the Petition of Pierre Papineau and others, of the city of Montreal, Ferry-men, during the late war with the United States.

By Mr. Cummings, The Petition of the Municipal Council of the district of Niagara, (relating to the survey of Lands); the Petition of the Municipal Council of the district of Niagara, (relating to Fish), the Petition of the Municipal Council of the district of Niagara, (relating to Temperance Houses); the Petition of the Municipal Council of the district of Niagara, (relating to macadamized Roads); the Petition of the Municipal Council of the district of Niagara, (relating to the administration of Justice), and the Petition of the Municipal Council of the district of Niagara, (relating to a Tax on Dogs).

By Mr. Sherwood, of Brockville, The Petition of S. Y. Chesley, Esquire, and others, Electors of the town of Cornwall.

By Mr. Boulton, The Petition of David Duncombe, Esquire, late a Candidate for the county of Norfolk, and others, his supporters.

By the Honourable Mr. Baldwin, The Petition of William Buell, of the town of Brockville, in the county of Leeds, in the district of Johnstown, Esquire, a Candidate at the last Election of the said county.

By Mr. Riddell, The Petition of Colonel A. W. Light, late Lieutenant-Colonel of Her Majesty's 25th Regiment of Foot.

By Mr. Gowan, The Petition of Alexander Fraser, Esquire, late a Candidate for the county of Lanark, at the last Election.

By the Honourable Mr. Moffatt, The Petition of T. A. Stayner, Esquire, and others, proprietors of Land in the Eastern Townships of Lower Canada, residing in the city of Montreal; the Petition of the Committee of the British and Canadian School Society of Montreal; the Petition of the Montreal Ladies' Benevolent Society, and the Petition of the Montreal Board of Trade.

By Mr. DeWitt, The Petition of John Frothingham and others, resident in the district of Montreal, and the Petition of the Members of the Corporation of the College of L'Assomption.

Petitions read.

Pursuant to the Order of the Day, the following
Petitions were read:--

County of Gren-
ville, contested
Election.

Of William Harris and others, Freeholders of the
county of Grenville, in the district of Johnstown,
setting forth:

That your Petitioners protest against the Return made at the late
Election for the County of Grenville, of Hamilton D. Jessup, Esquire, as
the Representative of said County, and against his taking or holding his
seat as such Representative in your Honourable House, for the following
valid and sufficient reasons, viz.:--

For that the Returning Officer appointed to hold the said late Election
for the said County of Grenville, caused his precepts of Election to be
sent into the Townships of North Gower and Marlborough, which form a part
of the County of Carleton, and Polls to be opened and numerous votes taken
in said Townships for the said late Election of a Member for the said
County of Grenville, and that the votes so taken were included in his
estimate of the votes polled in said County when making his return of a
Member for said County--notwithstanding the Returning Officer appointed
to hold the Election for the said County of Carleton, had also issued
his precepts into the said Townships of North Gower and Marlborough, for
the Election of a Representative to serve in the Provincial Parliament
for the said County of Carleton.

That in consequence of the said Returning Officer for the said County
of Grenville erroneously deeming the said Townships of North Gower and
Marlborough to belong to the said County of Grenville, the most convenient
place for proceeding to the Election of a Member for said County of Gren-
ville was not appointed by him, agreeable to the requirements of the Sixth
Victoria, chapter first, and section ninth--the place appointed by W. J.
Scott, Esquire, the said Returning Officer, being Kemptville, in the extreme

(18)

rear of the said County of Grenville, a place inconvenient and improper
for obtaining the true expression of opinion of the Electors of said
County of Grenville, with reference to the choice of a Representative,
and where a true expression of the opinion of the Electors of said County
of Grenville could not be, and was not obtained touching the Election of
a Representative.

That by reason of said Townships of North Gower and Marlborough being
so considered and held to be a part of said County of Grenville, at the
said late Election for the same, great injury, wrong and inconvenience,
have been suffered by the Electors of the said County of Grenville, that
a true expression of the opinion of the Electors of the said County was
not obtained at the said Election in consequence thereof; and your Peti-
tioners, therefore, humbly pray that the said late Election for the said

County of Grenville may be declared null and void by your Honourable House; that the said Hamilton D. Jessup, Esquire, be no longer considered a Representative of said County; that a new Election for a representative for the same be ordered; and that every other matter and thing be done for the preservation of the Elective Franchise in said County, consistent with the Laws and Constitution of Canada.

Of George Stevenson and others, inhabitants of the northern townships of the county of Kent, in the Western District, praying that the said townships may be set apart as a separate district.

Of the Municipal Council of the Municipal District of Rimouski, praying an aid for the construction of certain Bridges and Wharves within the limits of the said Municipal District.

Of the Very Reverend Angus Macdonell, of Kingston, formerly of Sandwich in the Western District, praying to be indemnified for damage done to his property, by the stationing therein of troops, during the late rebellion.

Of Pierpoint E. Adams, of the town of Cornwall, in the Eastern District, baker, praying to be naturalized as a subject of Her Majesty.

Of Richard Ham and others, Elders and Deacons of the Lutheran Churches of Fredericksburgh and Earnest-Town, in the Midland District, praying for the passing of an Act to naturalize the Reverend Stephen Wilber Champlin, as a subject of Her Majesty.

Of Mrs. Mehettable Shaw Woolrich, of Laprairie de la Madeleine, widow of the late Thomas Hall Woolrich, praying for pecuniary aid, in consideration of the services rendered by her late husband, during the late rebellion.

Sherbrooke
Cotton Factory.

Mr. Hale, from the Special Committee to which was referred the Petition of A. T. Galt and others, praying to be incorporated as a Cotton Factory Company at Sherbrooke, presented to the House the report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee have examined the matter referred to them, and ascertain, that on account of the large capital which will be required for establishing a Cotton Factory, and the number of Shareholders among whom the said capital will be divided, the Petitioners deem it important that an Act of Incorporation should be granted to them by the Legislature, with the usual privileges conferred upon corporate institutions, and your Committee, therefore, respectfully recommend that the Prayer of the said Petition be granted.

On motion of Mr. Chauveau, seconded by Mr. Chabot,

Quebec Turn-
pike Roads.

Resolved, that an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, as soon as possible, detailed accounts of all moneys received and expended by the Trustees of the Quebec Turnpike Roads, under the authority of the Ordinance to provide for the improvement of the roads in the neighbourhood of, and leading to, the City of Quebec, and to raise a fund for that purpose; and also detailed reports of all the doings of the said Trustees, under the said authority, from and since the date of the reports and accounts on that subject, laid before this House in the last session of the last Parliament.

Ordered, that the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

On motion of Mr. Stewart of Bytown, seconded by Mr. Smith of Montenac,

Crown Timber
Office, Bytown.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency, will be pleased to cause to be laid before this House a statement in detail of the transactions in the Crown Timber Office in Bytown, separately for the years 1843 and 1844, exhibiting the number of rafts passed; owner's name; the amount of duty on each raft; the gross amount of revenue in each year; the names of the Agent, Collector, Clerks and Servants; and the salary to each, and any other expense connected with the office: also, the amount paid to the Government Surveyor, for surveys; the amount paid by Government to the other Surveyors; and the amount paid by each individual Lumberman for such services: and also, the quantity of square timber, and saw logs, cut by each party; and amount of revenue derived therefrom.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

Printing of
the Laws.

Ordered, that the Order of the Day for the second reading of the Bill to throw open to public competition the Printing of the Laws, with a view to render the printing thereof more expeditious and less expensive than heretofore, be postponed until Monday the twenty-third instant.

Legal recourse
on Executive
Government.

Ordered, That the Order of the Day for the second reading of the Bill to provide a legal recourse to Her Majesty's subjects in this Province, having legal or just claims upon the Executive Government thereof, and to enable Her Majesty the more effectually to do justice in such cases, be postponed until Monday, the sixteenth instant.

Landholders,
Gaspé.

Ordered, That the Order of the Day for the second reading of the Bill for the relief of certain Landholders, in the Gaspé District, be postponed until Monday, the twenty-third instant.

Intestate Estates.

Ordered, That Mr. Roblin have leave to bring in a Bill for the more equal distribution of the property of persons dying intestate in that part of this Province called Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Friday, the twentieth instant.

(19)

Sherbrooke
Cotton Factory.

Ordered, That Mr. Hale have leave to bring in a Bill to incorporate the Sherbrooke Cotton Factory.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Friday next.

On motion of Mr. Hale, seconded by Mr. McConnell,

Non-deliverance
of Provincial
Statutes.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to direct inquiry to be made into the cause of the non-delivery of the Provincial Statutes of the last Session of the late Parliament, in the District of Saint Francis.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

Address in
answer to
Speech.

The House, according to order, resumed the adjourned debate upon the amendment, which, upon Wednesday last, was proposed to be made to the motion,

That an humble Address be presented to His Excellency, the Governor General, to thank His Excellency for his gracious Speech from the Throne, and to assure His Excellency that this House is gratified that an early period, since the completion of the recent General Election, has been selected by His Excellency, the Governor General, for meeting the Parliament, at a season so convenient to the Members personally for the discharge of the important functions devolving upon them.

That this House, in common with the other subjects of our Gracious Queen,

throughout her vast dominions, in every quarter of the Globe, rejoice at the auspicious birth of another member of the Royal Family, and humbly express their gratitude to the Almighty Giver of all Good, for the continued safety and health of our beloved Sovereign.

That the earnest consideration of this House will be devoted to all subjects before them, concerning the welfare of the Province. They recognize the improvement of the education of the People as one of their most urgent duties, and it will be a matter of the most profound gratification to them if such arrangements can be devised, respecting the University of King's College, as will receive the sanction of the Crown, and give general satisfaction in the Colony.

That the attention of this House will be devoted to the Municipal Institutions of the Province, as well as to the state of the Prisons, and the want of Lunatic Asylums in Lower Canada, and also to the amelioration of the means of communication throughout this Province, so essential to its prosperity. That this House regrets the peculiar destitution of the Eastern Townships of Lower Canada in this particular; and that the Town of Kingston, in Upper Canada, which, by means of the removal of the Seat of Government, has unavoidably suffered much, should be devoid of a Road through the Inland Territory towards the Ottawa, essentially necessary to its prosperity; and these subjects will receive that attention which their importance demands.

That this House will avail itself of the earliest opportunity of taking into consideration the state of the Militia Law in both sections of the Province, with a view to the framing of such a measure as may give efficiency to that arm of public defence in both sections of the Province.

That this House is gratified to learn that the state of the Revenue affords a fit subject of congratulation, and they will be happy to co-operate in any measure of legislation and economy calculated to promote its further improvement.

That this House learn with the most profound satisfaction that Her Majesty has graciously received the address of the last Parliament on the subject of the Civil List. That, sensible of the only objects which could have induced the Imperial Parliament to make provision for a Civil List in this Province, and of the peculiar exigency which required such a course, this House nevertheless rejoices in the assurance of Her Majesty's confidence in the concurrence of Her Majesty's faithful subjects in Canada for effecting the same purposes, and gratefully acknowledges Her Majesty's desire, to owe the means of obtaining them to the spontaneous liberality of Her Canadian people. That this House will therefore devote its earnest attention to the exercise of that most undoubted and important of its constitutional rights and duties; the granting to the Crown of a Civil List;-- and they have the fullest confidence that the recommendation of Her Majesty to the Imperial Parliament founded upon such a grant, to repeal so much of the Act of Union as relates to this subject, will meet with that ready attention which its constitutional importance demands.

That the financial accounts and estimates for the Public service, will receive due attention, when laid before this House; and they are happy to learn, notwithstanding the unavoidable expense attendant on the removal of the Seat of Government from Kingston to Montreal, and the claims to be submitted for their consideration, a considerable surplus revenue will remain for future disposition.

That this House will make proper provision for the exigencies of the Public service, and are gratified at His Excellency's assurance that he will use his exertions to diminish expenditure by all practicable economy. It is a source of the greatest satisfaction to learn that His Excellency has availed himself of such opportunities for retrenchment as have presented themselves, and they thankfully acknowledge the assurance that His Excellency will continue to pursue the same course, whenever reduction appears to be consistent with efficiency.

That this House concurs with His Excellency in desiring that the welfare of United Canada may be promoted by the joint labour of all the branches of the Legislature. That the earnest efforts of this House will be devoted to such measures as may in their judgment be calculated to secure peace and prosperity, justice and happiness to this Province.

That this House fully confides in the declaration of His Excellency, that he will continue to administer the charge entrusted to him, by Our Most Gracious Sovereign, according to the acknowledged principles of Our Provincial Constitution, and with a view to the wants and wishes of the community. And this House learns with exceeding satisfaction, that on the occurrence of vacancies in several of the most important offices of the administration, immediate efforts were made by His Excellency to fill them by gentlemen supposed to possess the confidence of the people. While they rejoice at the assurance of His Excellency's incessant exertions to supply these vacancies, they nevertheless regret to learn that obstacles should have intervened to delay the accomplishment of this constitutional purpose.

That this House, in the full exercise of its constitutional powers, will earnestly endeavour to maintain the harmony with the other branches of the Legislature essential to the well-being of the people, for whose benefit alone these powers are conferred, and in devoting themselves to the discharge of their important duties, unite with His Excellency in a humble hope, that the Almighty will bless their endeavours, and render them efficacious for the public good.

And which amendment was, That that part of the original motion beginning with the words "this House is gratified that an early period has been selected," and ending with the words "important functions devolving upon them," be expunged, and the following inserted in lieu thereof:

"An humble Address be presented to His Excellency the Governor General,

to return His Excellency the thanks of this House for His most gracious Speech from the Throne at the opening of the present Session of Parliament."

Proposed
amendments
to answer
to Speech.

(20)

"To assure His Excellency that while we rejoice that he has assembled Parliament at an early period after the completion of the recent General Election, and at a convenient season for the discharge of the important functions devolving upon us, and warmly

*participate in the satisfaction expressed by His Excellency at the opportunity thus afforded of devoting ourselves to the care of the great interests committed to our charge, we should be wanting in due attention to the sacred trust reposed in us by our country, as well as in duty to our Most Gracious and Beloved Sovereign, were we to refrain, on this occasion, from expressing frankly, to His Excellency, our deep regret that he should, under the circumstances in which the Province was placed, have been advised to remain so long without resorting to the counsels of Parliament."*¹

MR. SMALL² said, it would not be improper for him, before he came to the remarks he might have to make on the proposed amendments to take the opportunity of declaring as his friend for the Fourth Riding of York had done, that he should offer no factious opposition to Her Majesty's Government. At the same time, he could not allow the principles contained in the proposed Address to pass without remark. And first, on the unjustifiable opposition which had been alleged to have been made to the head of the Government during the last twelve months, "unjustifiable opposition" was strong language, and he could not admit that there was any thing to justify it. He denied that there was any such opposition; but admitting that there was, could that have prevented the formation of a Ministry, had the alleged endeavours for its formation been sincere. If the hon. members opposite, had been called upon to accept office in December or January, why did they wait till November, before they accepted it? Who prevented the Head of the Government from calling upon them sooner? Perhaps it was that hon. member, who had remained in office to give his advice. If it were so the country ought to know it; and he trusted the honorable member would give such explanations as would vindicate himself if it were not so, so that the country might be informed upon whom rested the blame, that the administration had not been formed ten months sooner. He wished to know 1st, whether they approved of all the acts of the Provisional Government, for, by accepting office, they had sanctioned those acts, and the country would hold them responsible for them. In England, the course that would have been adopted by a minister, in the position of the hon. member to whom he had already referred, would have been, to advise that some gentleman of influence should be called upon to propose the programme of an administration. I am sure, Mr. Speaker, said the hon. gentleman, that you would have found no difficulty in forming an administration, and that, had you been applied to, you would not have refused your assistance. You would have told His Excellency, that he must dissolve his Parliament, and then that you would proceed to the formation of a Cabinet, but Sir, the hon. Secretary chose to remain for nine months in office, without

an administration, and we have the right to assume that he advised the Executive to the course which it took, that is to say, to remain without one. My friend the Solicitor-General indeed remarked, that he did not accept office because he believed that the Parliament had not the confidence of the people, - why then, did not the hon. gentleman advise the Executive to dissolve the Parliament and appeal to the people? Upon the subject of the elections, much has been said by the gentlemen on the other side of the House, and they have talked of the approval, which the country has shown of their conduct and mentioned the circumstances under which some of the late administration had lost their seats; but I think, Sir, we can show a very fair offset, in the loss of the seats of Messrs. Viger, Barthe, Draper, and Neilson. It is well known, sir, that there is no change of principles in Upper Canada; as far as I am concerned, I can say that not one of my old voters polled against me, some were influenced by calomny (sic) so that they did not vote at all, but not one opposed me, and in one Township I had five fresh supporters who had voted against me at the last election. I wish also to say a few words on the subject of patronage, that is one of the great sins of the late administration, but I suppose that the present government if they do not wish to engross all the patronage of government for their own supporters, at least would wish to be consulted in the disposal of it - I suppose they would not wish their opponents to have the whole of it. Then, again, to come to the Civil List, the hon. member for Huron had asked very facetiously, where were the rights - they were a conquered country, but the Act of 1791 granted them the rights and privileges of British subjects, and was³ intended to induce British subjects to settle here⁴, where they might then come without losing the rights which they were born to; and I am quite sure the hon. member would have been the last man to come here unless he could have retained those rights. One of the hon. members on the other side, the hon. member for Leeds, had alluded to me, and asked in a very confident tone whether we could show any precedent for members of a government in England travelling about the country to agitate in their own behalf. There is no necessity for an answer to this question, because, if I did go from place to place, as he says I did, I was only a humble individual, and not a minister, and I had the same right to go through the Province to support my views, as he has to call his Orangemen together. But, Sir, I did not go from place to place, I deny it.⁵

MR. GOWAN enquired if the hon. member was not at Hopetown⁶.

((MR. SMALL)) Oh! I am coming to Hopetown; a meeting was held in that town, and I was invited to attend, and I did attend, and that, Sir, is the only excuse for saying that I travelled from place to place. I was however very much surprised to find that hon. gentleman opposing me in my own Riding; and as the hon. gentleman gave, as a reason for his being there, that he was an elector, I think it a pity, that he did not come to vote against me, it would at least have made my majority one less. Some of the hon. gentlemen too, had been very loud in their outcry about equal rights, in Upper and Lower Canada, what had they heard about equal rights when the party to which those hon. gentlemen belonged were in the

height of their power; who heard anything about equal rights then? Was it to advocate equal rights to desire that Upper Canada should have sixty-four votes, and Lower Canada but fifty?

MR. GOWAN said he voted against that measure.⁸

((MR. SMALL continued:)) Yes, no doubt you voted against every part of the Union Act, but I am speaking about the party to which you belong. I could not help smiling, when the hon. member for Leeds, was talking about reductions, and informed us of what he would like to see done with the Solicitor General and the Attorney General, East, but quite forgot the £1500 per annum of the Attorney General West. Then again that hon. member had remarked on the dispute between His Excellency and his ministers, and he divided his attack into two heads, first the refusal to assent to the Bill, and next the question of Patronage. With regard to the first, I do not think he stated the case fairly. - We never wished that the Governor should not refuse his assent to bills, if he saw fit to do so, but we did complain, Sir, that he should allow us to come down here with a bill, to pass that bill through all its stages, as a Government measure, and then that he should have reserved that bill for the Royal Assent, and should have allowed us to hear of that step first from our political opponents, in the public streets at Kingston. With regard to patronage, I will not detain the House, but I wish to make one remark, upon the case mentioned of a paper in Kingston, from which the business of Government was withdrawn. It must be very plain, that no Government can employ every newspaper, which is published in this Province; Government should first of all consider which paper has the largest circulation, and after that it has certainly the right to select its political friends in preference to its political enemies. We have heard also, Sir, that this infamous Government has influenced Sheriffs, Magistrates, and Judges, and if it had been allowed to go on, would at last have influenced Juries likewise, I will only reply by asking, who were the Judges, Magistrates, and Sheriffs, from '98 to '39? Were they not Conservatives in the proportion of twenty to one. We did indeed advise a larger proportion of appointments to be made amongst men of liberal politics, in order to equalize the political parties of the country; I have heard, that clerks in many of our public offices, have spoken very disrespectfully of their masters, but I never heard of any losing their appointments on that account. I never heard of any one coming to a candidate and saying - "Do not, for God's sake, press me to vote for you, for if you do, you will take the bread out of the mouths of my children." Now, Sir, as to that part of the Address which relates to the assembling of Parliament, what I have said with respect to the formation of a ministry, will apply very well to that subject also. But, Sir, in England a dissolution of Parliament never takes place without a special allusion being made to it in the Speech from the Throne on the assembling of the next. This was the course which His Majesty took at the opening of the Parliament in 1835, and yet, after the interregnum, and after all the difficulties in which we have been involved, I do not find one allusion to the dissolution of the late Parliament, in the speech of the Governor-General. The hon. gentleman concluded, by alluding to the manner in which

he said he and his friends had been slandered, and imputed the statements, to which he referred, to the hon. member for Megantic, whom he called upon to vindicate his conduct since the resignation of the late ministry.⁹

Hon. MR. DALY said, he rose to answer the call that had been made upon him by the late Solicitor General: when he had had the misfortune to differ with his colleagues, and upon their resignation he placed his commission in the hand of His Excellency, to dispose of it as he thought proper, in order to ((assist in)) the formation of a Government, which should fulfil the duties required by the wants of the country; since that time he had performed his duty to the best of his power, and having nothing to repent of, and nothing to retract, he cheerfully took upon himself the responsibility of the discharge of those duties. After all the declarations that had been made by the head of the Executive, it surely was unnecessary for him to say that his advice had always been to form a new Administration as speedily as possible. The late Attorney General had stated that he agreed with his colleagues up to the time when they relinquished office, and then they resigned and he did not. He certainly had agreed with them up to the time when he differed from them. - (Loud laughter.) It did not require any extraordinary acumen to discover that. But he certainly was surprised to hear his hon. friend opposite, state what certainly was the very reverse of the fact.¹⁰

MR. BALDWIN here interrupted the hon. member to explain, that he meant to be understood to say, that the hon. member for Megantic, had agreed with his colleagues up to the time, when the representations were made to his Excellency which led to the resignations.¹¹

MR. DALY resumed; he had agreed, most certainly, with his colleagues upon the propriety of communicating with his Excellency upon the subject of the supposed difficulties, and having discussed them, in the presence of His Excellency, he - (Mr. Daly) - came away impressed with the conviction that it was his duty to retain office. And the country had sustained him in that view. He had gone down to his county, and appealed to his late conduct, as the ground on which he ought to be re-elected, and he had been supported upon these grounds; and no man who supported any other views than he did, could succeed there.¹²

Hear, hear from the opposition.¹³

((MR. DALY continued!)) Those cheers from the member for Quebec were particularly applicable and no doubt had their effect in some quarters, but nevertheless in spite of all the exertions that that gentleman had made against him, and they were not a few, in spite of his letters, published in both languages which persons who received them, did not dare to read in his presence, in spite, he said, of letters read in holes and corners, he was returned by a proud majority. And in reply to the question, "Why did the secretary remain in office of all mankind." He would ask, was he, when he witnessed the daily and ceaseless exertions of His Excellency to form a ministry, concurring with him as he did in the propriety of the course he was

pursuing, was he to leave His Excellency, in the midst of so many difficulties? No Sir, said the hon. gentleman, I could not leave him, and despising the calumnies and obloquy which have been cast upon me, I shall be perfectly happy to await the result of any and every proceeding that may arise.¹⁴

M. PAPINEAU a dit, lui, sur ce qu'on lui faisait remarquer qu'il avait approuvé la résignation des ex-ministres, et qu'il occupait leur place, qu'il fallait bien alors voter pour eux puisqu'ils avaient la majorité. Peu de mots lui ont suffi pour faire comprendre à la chambre que nous n'avons pas de gouvernement responsable. "Il n'en est pas, a-t-il dit, de ce pays comme de l'Angleterre, dont la constitution n'est pas écrite. Nous, nous avons une constitution écrite: Vous irez jusque là et vous n'irez pas plus loin." ... M. Papineau a conclu par dire ... qu'on lui faisait un crime de son vote dans l'élection, comme si on ne savait pas qu'il n'avait pas pu faire autrement.¹⁵

M. MORIN a aussi pris part aux débats et il a parlé immédiatement après M. Papineau. ... "Si je suis ici, c'est parce que j'ai sacrifié mes opinions à ma patrie." "On doit, a-t-il ajouté, souvent modeler ses opinions sur celles des autres."¹⁶

M. WOLFRED NELSON a aussi parlé pour répondre à l'assertion que le président du conseil avait été maltraité dans son comté. "M. Viger, a-t-il dit, a eu le courage de me reprocher dans les paroisses où il mendiait les suffrages, d'avoir été la cause des malheurs de 37 et 38, que personne ne déplore plus que moi. Etais-je, moi, à la tête des affaires publiques? C'est lui qui, avec d'autres, a lancé le vaisseau de l'état sur la mer, et lorsqu'il était frappé par la foudre et par la tempête, il l'a lâchement laissé sans gouvernail et sans pilote; et nous, ainsi abandonné (sic) à la fureur des vents, nous nous sommes brisé (sic) contre un écueil. Mon malheur, comme celui de bien d'autres, c'est de l'avoir trop cru. J'étais assez à l'aise autrefois, j'ai tout perdu hors l'honneur. Je ne passerai donc pas de flétrissure à ma postérité. Les années, commencent à peser sur mes épaules; j'ai besoin de tout l'énergie qui me reste pour amasser quelque chose pour mes derniers jours. Mais tout dénué que je suis, quand mon pays l'a requis, je n'ai pas craint de m'opposer à un homme puissant (sic), puissant par le nom, puissant par sa richesse et puissant par sa position; et le bon sens de ceux que M. le Solliciteur-général Ouest appelle ignorants a triomphé." Puis se tournant vers M. Guillet ... "Vous, dit-il, quand votre pays ne vous retiendra plus ici, vous pourrez retourner sans remords au sein de votre famille. Votre opinion n'est pas la nôtre; mais du moins vous n'avez pas renié la langue de vos pères. Quand vous prendrez vos enfants dans vos bras pour les presser sur votre cœur et pour les embrasser, leurs lèvres pures et innocentes ne s'éloigneront pas avec dédain des vôtres comme des lèvres souillées de la tache de l'apostasie. Je sais qu'il y a bien des oreilles qui m'écoutent, et que dans la circonstance où je me trouve placé, mes paroles saisies une à une auront de retentissement par tout le pays. Mais j'ai cru devoir parler pour rendre justice à ceux qu'on insultait sans cause."¹⁷

MR. AYLWIN said, a great deal of time had been consumed in that debate, but it had not been lost, because it had been occupied in the discussion of great principles, which concern, the prosperity and the happiness of the country. He knew there were members, who would prefer to discuss questions of local improvement, of the making of roads, and bridges in this, or that part of the Province, and who were anxious that this debate should terminate, and that they should commence the real business of the country. But he said that was the business of the country, that they had been discussing the day before yesterday, yesterday, and today, for upon it depended the interest, the honor, and the well being of the country. What would it signify, he would ask, if their mighty rivers, were loaded by ... fleets, - if their land was the most fruitful and most flourishing in the globe, if in reference to civilization and laws they were so far behind the rest of the people who inhabit this continent. What would it impart us, said the hon. member, that the land overflowed with gold and with silver, if the state of our country were so wretched that we could not walk on from day to day without danger of a volcano? They had the experience of two rebellions, and to what were they attributable; was it that the country, barren and unfruitful, denied its inhabitants the means of existence; was it that pauperism and destitution existed, or any one of those causes which operate in the old world? No Sir, a more happy, more fertile, or more prosperous country is not to be found on the face of the globe. And yet this is the country which has been defaced by two rebellions, which had raised the standard of revolt against a youthful female Sovereign who had but just ascended the Throne; I ask what was the cause of this unheard of defection? The attempt of a few to injure, insult, and oppress the¹⁸ many.-¹⁹ It was this that produced a phenomenon²⁰ which has never occurred before, for I ask any man, taking Canada with all her resources, to show me a parallel. These rebellions, Sir, arose from gross misgovernment. What, said one of our Governors? That had he been a Canadian he would have been the first man to revolt? That man was one, Sir, who had raised himself from a comparatively low situation to be the Governor of this great Colony; he was succeeded by another who came, and saw our beautiful country, and saw that something was wrong, he endeavoured to find out that something, and he succeeded. And he asserted that Britons here, should enjoy the same privileges, as their forefathers and their brothers across the Atlantic. What was the result? that Her Majesty with that benevolence and goodness, which are her characteristics, was pleased to extend to these Colonies, the same institutions within our sphere that have prevailed at home. But these institutions were not received by the subjects of Her Majesty here in that spirit which ought to have animated them. Many who had the cry of loyalty on their lips were traitors in their hearts.²¹

Hear, hear from the Ministerial benches.²²

((MR. AYLWIN)) I hope that these gentlemen, who cry hear, hear, do not take these remarks to themselves, if they do, I am sorry for them. The underlings of the Court, the minority of the little paltry Canadian Aristocracy, these were the people displeased to hear that we were to have truly

British institutions. How must they have felt, basking in the sun of the Viceregal patronage, introducing themselves by every means into the lowest offices of the Government, when they found they were to loose (sic) all these things, there was a mighty outcry. - Sir, there was at that time a small party who were British indeed, that was formed for the most part of British Canadians, and amongst them was a small leaven from the other side of the Atlantic. Amongst them was Pierre Medarde (sic), a man who was determined to know if he had any rights, and to study them - he found out that he had rights - there were others like him, and finally they took their stand on the broad principles of British liberty. There were some persons from England too amongst them, there were some near connexious (sic) of yours, Sir; there were the Stuarts, and what did they do? - did they raise the standard of rebellion? - No, Sir, but they said we are Britons, we must have British liberties. We had, all around us, people who were constantly talking of the Governor General. If it were desired to let a prisoner escape, or if it were thought necessary to let some poor wretch off, the way was perfectly plain, you had nothing to do but to go to the Governor General. But all this was going on while we had a Constitution. You, Sir, are aware that we had a Colonial Constitution as well defined and established as that of England. The honble. member for Ottawa does not know anything about these things, his studies never directed him to their discovery. He fancies that we have no system of law to guide us, Sir; there is a system of law as old as the Colonies; there is a system by which the old thirteen Provinces of Britain were governed, and under which they grew and flourished, until it was taken away from them, and they were obliged to sever the connection. The Constitution of the Provinces was well understood by all lawyers, not featherbed lawyers, but well informed lawyers, and what is that Constitution? Why that the Governor appointed by the Crown should take the advice of his Council, appointed like him by his master, on all occasions and should submit to their control upon some occasions.²³

Hear, hear, from DOCTOR DUNLOP.²⁴

((MR. AYLWIN continued:)) The hon. member might cry, hear, hear, but he held in his hand a book which he had had occasion to produce before at Kingston, and I wish, (said the hon. member,) that hon. gentleman would read it, for it contains the authority in support of my views of one of the greatest constitutional lawyers that England ever produced, the Baron Mezieres (sic). The constitution of the Colonies is as well defined as any Constitution can be; but it was found out, that the Executive Council, which in early days had very great influence, and was composed equally of English and Canadians, had at last lost all its respectability and had sunk into the greatest contempt. The House of Assembly was altogether in opposition, except about six gentlemen of excessive loyalty. Lord Durham saw that there was something wanting - that the Canadians required to be taught how to make use of their Constitutions as they make use of them in England, and we were obliged to him for instructing us. Her Majesty's Ministry were given to understand, that if they did not introduce certain resolutions, there would be others who would do it instead of them. My friend on my left then came

forward and introduced those resolutions, which affirmed that we were no more slaves here than our brethren on the other side of the Atlantic. In the next Session a change came over the spirit of the dream of the Ministers, they could not maintain their stand, and my hon. friend from Terrebonne, and my hon. friend from Bellechasse were brought in from out of the ignorant treacherous French Canadians, and though I cannot tell how or on what principle, I, of all the men in the world, was brought in also. We tried to do justice to all parties, and I can tell you, that as a Minister of the Crown, I had plenty to do, I was very sorry when I got in, and very glad when I got out. Our Governor at that time was a man of large possessions in his native country and who had represented the British Court in almost every Court in Europe, and in the neighbouring States, with him I must acknowledge it was a pleasure to do business, in him we found a friend, a counsellor, a ruler, and when necessary, a master. We revered him as a father, but he died, and was succeeded by another, of whom, I must only speak through the hon. member for Megantic. You are aware, Sir, how the Session of Parliament commenced. We have been taxed by the hon. member for Huron with having been afraid to meet Parliament. Sir, I laboured and groaned till I could meet the people, but it was necessary before I could do so, that I should obtain information on these points, on which as a Minister of the Crown, it was absolutely necessary that I should be prepared and the instant the information arrived, that instant the Proclamation proceeded for assembling the Representatives of the People. For the first time we had in Canada a strong Administration; every measure met with larger, and larger, and larger majorities, till at last the outcry was that the Ministry was too strong. At last, out came a report, to the consternation of the country, that the Ministry had resigned; for several days it was very difficult to assign the reason. At last representations were made to His Excellency, by my hon. friend the Member for Terrebonne; he answered in writing and I must take it for granted that the hon. member for Megantic kept his reply some time in his pocket, for the questions were sent to His Excellency on Monday morning, and the answers did not come till half-past 2 on Wednesday afternoon, when we went down to the House, and the hon. member for Megantic took the letter from his pocket. Soon after, we found the hon. member for Megantic was sick, and he continued so till the last day of the Session, and then it suddenly pleased him to be well. The proceeding went on, the business of the country was at a stand still, and finally a prorogation was determined on, and we were told by the venerable gentleman, who is now the President of the Administration, that he had it in command to inform us that a new Administration would be formed in a few days; on a fine day, shortly after, we found that Messrs. Viger and Draper had been made members of the Executive Council; any one acquainted with the Resolutions of 1841 would have thought that these gentlemen would have held some high office, so that we might have had some others to bring to condign punishment, in company with the hon. member from Megantic. The Head of the Executive parted with his advisers: we have differed with him in opinion, for I had thought that if he was Governor, I was Councillor, and I thought he went too far in keeping from me the knowledge of his actions until these actions were done.

But, Sir, I did not expect that those differences were to subject me to contumely and obloquy, yet I found in the answers to loyal addresses, and which are published in that book which I hold in my hand, entitled "Answers to loyal Addresses, &c." language which I could not have thought would be attributed to my father's son; I am accused of attempting to sever the Colony from the Mother Country. And if I met that individual, who is represented by the hon. member for Megantic, in a British Court, and if my means would allow, I would see whether those addresses would or would not be judged to be false, malicious, foul libels. Sir, having resigned my office, I returned to my peaceful home, and I enjoyed my home. In the meantime, the Head of the Government was obliged to go to three or four persons to endeavour to prevail upon them to be Attorney General and Solicitor General; at last we heard of Mr. Barnard, and that he was Solicitor General, although it so happens, though I shall not require my pay, that the commission remains with me, and I am entitled to be Her Majesty's Solicitor General, - however, there was some little mistake about Mr. Barnard. At last we found the hon. member for Missisquoi gazetted to be Attorney General. What (said every one) he appointed! Who knows anything about him? Who knows where he comes from? Then we heard of the appointment of the honourable member for Ottawa to be Surveyor General for Crown Lands, but no one enquired who he was; Oh! we know who he is, said every one, he is the brother of the famous Papineau who is now in exile at Paris. And now, Sir, Parliament is met and we have to enquire into all these things, and to enquire if these gentlemen who fill the Treasury Benches are the representatives of the country, if so, we are bound to give them our support. To represent the Upper Province²⁵ we find one solitary individual, and he not in the high position in which we might have supposed that his talents would²⁶ place him; so that when my friends from Upper Canada are desirous of asking any information they must inquire, not of the hon. Solicitor General, for he is not in the Cabinet, but, from the hon. member from Missisquoi, or the hon. member for Ottawa; and no doubt at second hand they will get it; I am wrong to make distinctions between Upper and Lower Canada, for I think there is but one Canada, but there are some natural predilections which we cannot get rid of, and I am sure that did I represent a county in the Western part of the Province, I should feel mortified to find only one member connected with that part of the Province in the ministry and he not a member of the Cabinet. Now with regard to Lower Canada, there is no man who esteems my hon. friend the member for Missisquoi more than myself; and having been on that side of the House, I have learnt to behave myself on this, and will certainly not offer him any factious opposition. But certainly there is no man who will say that either the hon. member for Missisquoi or the hon. member for Ottawa have any pretention to political influence in Lower Canada. With regard to the hon. member for Megantic, he represents, not Lower Canada, but the whole Province; he is a most consummate politician whom I will compare to Talleyrand; I see his modesty is shocked by the comparison. But, Sir, with all these great talents, and versatile genius, the hon. member has no political influence whatever in Lower Canada. The Prime Minister Viger, who with Mr. Draper, was made an Executive Counsellor (sic) without the

high office, which by the resolutions of 1841 Executive Councillors are required to hold. Two great names, however, were to be brought to bear on the country, these were Viger and Papineau, the first of them being Prime Minister. Well, Sir, Mr. Prime Minister, this Atlas of the government went down to his County to those ignorant constituents, who are as easily led by names, and personal influence. How was he received? He was turned out! And yet in spite of all this, we are told by gentlemen opposite, that they are determined to carry out Responsible Government, but where is their Chief? Where does he hide? He is no where to be found. And yet this is to be called Responsible Government. The hon. Solicitor-General (West) indeed made use of every violent gesticulation while addressing us to convince us how firmly he is attached to this principle but still he reserved to himself a "locus penitentiae," he is converted to the doctrine of Responsible Government, and wished to carry it out, but, if by our naughty proceedings, we show that Responsible Government cannot be worked, he reserves the right of returning to where he came from. The hon. member for Ottawa, came out last night, and made a most glorious speech, in which he expounded very ably the principles of the British Constitution in a way, that I am sure must have astonished his colleagues; like the hon. member for Huron, he is of opinion that the rights of the people of the Colonies, depend upon parchment writings, and the hon. gentleman told us, that we must be careful not to expose ourselves any more, to evils like those we have so lately escaped from. He told us, we are about to give you, all that you ask, what can you want more? We shall all go on, and go on for ever, he is so pleased with his position on those benches that he thinks he shall stay there for everlasting - I could not but admire his beatific vision. The hon. member, then placed himself in opposition, to my friend from Saguenay; and Sir, he has been put into opposition with him and the contrast has been observed. The hon. member said yesterday that perhaps my hon. friend, would be listened to; Sir, there is no perhaps in the case, he will be listened to, and that in a manner very different from that in which the hon. member opposite will ever be received. He imputed it as a crime, to my hon. friend that he had interfered with elections, that he had opposed Her Majesty's government; but what was the course that was taken when we were on those benches? Was not the Head of the Government attacked in every way? Was it not an old woman - an old fool²⁷

Oh, oh, from the Solicitor-General ((MR. HENRY SHERWOOD.))²⁸

((MR. AYLWIN continued)) - the ears of the hon. member for Toronto are offended; how much must ours have been, when we heard that honorable man abused who is now dead, and whom, we his Councillors had looked up to in the light of a father. My hon. friend, however, while he is as great a Statesman as Sir Robert Peel; is as able as (sic) strategist as the Duke of Wellington. He has contrived with wonderful success, to carry the war into the enemies (sic) camp, and we are now called upon to defend ourselves and to stand upon our trials; he contrived that we should have the benefit of all the fighting, while he got quietly out of the battle. Now what we have

asked of him, is, that he should say; we have accepted office under such and such circumstances, we shall adopt such or such a course, and while we are able to maintain that course successfully, we shall retain office; and when we cannot do so longer shall resign. I am at present at a loss to know upon what principle their Government is to be carried on. The hon. gentleman made frequent allusion to the Governor General, and with all his Parliamentary knowledge, Sir Chas. would come out before he was aware. He believed they represented not their constituencies, but the Governor General. The question proposed to the constituencies was whether or not they would support the Governor General. If a man was asked in England or the United States who he intended to vote for, he told you directly, it was for Mr. such-a-one, Mr. A. or Mr. B. But was any man asked in Upper Canada whether he would vote for the Viger Administration?²⁹

Yes, from DR. DUNLOP.³⁰

Oh, he ((MR. AYLWIN)) knew that hon. gentleman was very anomalous; he had no doubt that in his County, he had put the question very fairly - there could be no doubt about it. But, Sir, we have seen in papers in the English language such expressions as these - "Vote for the one man power," "come to the assistance of the Governor General." Now, Sir, what would be thought, in the other side of the Atlantic, if electors were to be led to support Her Most Gracious Majesty. Yet that would not be more monstrous than what has been transacted in this country. The hon. member for Megantic, who took his share in these matters, ought to have remembered, that the name of the Governor General ought not to be trifled with. He is seated at the head of the Council to govern its deliberations, but he is not to be made a party in political struggles. It has been said that we wished the Council to be everything, but, Sir, instead of that, the Governor has been everything, and it is highly inconsistent with British precedent that he should be so. How should he have anything to fear from us - a man who has ruled the mighty empire of the Indies, and who has been sent out here as Viceroy: what can he have to fear from a few poor colonists. His voice would (it might be supposed) strike us with terror. Who does not know the influence of a President? Who does not see, Sir, the influence you possess? I ask you, Sir, whether you, if seated on the chair of the Governor General, instead of on that one, would have less influence than you have at present? But it is by means of such statements as those to which I have alluded, that the minds of men have been perverted, and that they have lost sight of the real question at issue. Even the Colonial Minister, Lord Stanley, had asserted in his place in Parliament that the Provincial ex-Minister had exacted a stipulation, under the seal of the Head of the Government. Now, Sir, I hope it will be noticed that I deny that any stipulation was exacted, of any kind, sort, or nature whatever, and it is right that the people on both sides of the Atlantic, should know it; and then, perhaps, we should be relieved from the distress of being called a blundering Administration. There was one blunder, however, certainly: we were too strong; and I am afraid we made enemies in consequence, not

only on this side of the Atlantic, but on the other also. There is, Sir, a letter from the Head of the Government to the Hon. Mr. Viger which I wish to notice: it stated that he had received instructions to recommend for pardon such of the political exiles as he should see fit; this was trumpeted on all occasions from one side to the other, and all was attributed to the Viger Administration. No one had the justice to acknowledge that this was not a new thing, but one that had been done before, and all forgot what I think might have been remembered, that my hon. friend, the member for Terrebonne, had come into the court and had entered a "Nolle prosequi" in the case of a certain person, who otherwise might have subjected himself to difficulties in returning to this country. Then again the Hon. President of the Council had written to certain militiamen that an act of great injustice had been perpetrated, and called upon all of them to come in and get their scrip. Perhaps the honble. member for West Halton will be enlightened a little on that subject. Thus were offers made from one end of the country to another; but mark the return; this ungrateful country would not listen to the wishes even of the venerable President of the Council. I was much edified by one remark of the hon. member for Toronto, he said we resigned too soon - that we ought to have remained in office, or have resigned on some specific fact; I am glad he has spoken on that subject, because he has given me the opportunity to answer him. You will remember, that on the answer of His Excellency to my hon. friend for Terrebonne, it was stated, that he had noticed, a certain "antagonism," a subject which was afterwards explained in a Despatch of His Excellency, which I am afraid Lord Stanley did wrong to publish. It was found out that he had perceived that antagonism since the beginning of last year. Now I will tell you that if that word had struck my ears in the month of May last year, I for one should have resigned -31

Cries of all, all³².

((MR. AYLWIN:)) - yes all, oh I forgot, all but the hon. member for Megantic. He³³ has not the virtue of resignation. I ask you all, as³⁴ gentlemen, and men of honor, how we could have retained our stations, after the statements of His Excellency, that we were in antagonism to him, Sir, we did not resign sooner because, we had a duty, that we owed to our country - (oh, oh.) Hon. gentlemen may groan, I know they do not like to hear the statement, but Sir, I repeat that our duty to our country made us put up with many taunts, and insults, which we should not otherwise have borne. Now, Sir, we have lately heard of the journey of the King of the French, and of his companions, the chief of whom was his prime minister, Mr. Guizot. Now Sir, to compare small things to great, I should like you to consider whether, when the Governor General made his tour, he took with him, my hon. friend from Terrebonne, or my hon. friend from the Fourth Riding of York. Amongst the places he went to Toronto, and every where he gave the people pretty plainly to understand that he had no great affection for his ministers. At that time the hon. member for Leeds, had a newspaper, and in that paper it was stated,

that the ministry were not very secure in their seats. Soon after a gentleman complimented us on the liberality of our administration, in appointing him to a very high office indeed. Our position was a difficult one, and when I was thus addressed, as I knew nothing of the matter, I thought of adopting Sir W. Scott's expedient and being a little deaf, however

"Servavit me Apollo."

I am alluding now to a gentleman, who is a merchant in this city well known to the hon. member for Montreal; and the circumstance which I have mentioned took place at the corner of the Kingston Court House. However if it had been to have obliged my learned friend I certainly would, should have taken an earlier opportunity to tender my resignation. Under the circumstances which I have mentioned we resigned, we told the Head of the Government, that we would hold our posts till our successors were appointed; and he answered that our successors were not appointed, but our services were not wanted. Now, I come to another point, the hon. gentlemen on the Treasury Benches have told us that there were responsible advisers in the Cabinet during the last twelve months. I wish the hon. member for Megantic were here, for if he were I would tell him what he has heard before - though he talks of responsible and advising ministers in the Cabinet, that there was no Cabinet at all. How shall we explain the conduct of the hon. member for Ottawa, who after voting against the ex-ministers, and against his own relative, was the first man to join the new Cabinet. Tell it not in Gath, or rather tell it not in England, Scotland, or Ireland, that men can be found in Canada capable of such tergiversation. Where then is responsible government if this be right, it will be perfectly right for the hon. member for whom I am speaking in the middle of the Session to finish the whole thing by turning round upon his present colleagues as he has done upon us.

"Mutato nomine de te fabula narratur."

The same measure which they have meted out by others will be meted out to them, and therefore they are wrong in taking their seats at the same Council Board with one of the ex-ministers, who will take his seat in the Cabinet opposed to his old friends. The hon. member for Huron, in speaking of the Civil List, made one or two remarks which surprised me; he is the member for a truly British Constituency, but yet, Sir, I would not like him, turn to scorn any Government of Her Majesty. I know nothing here of Whig or Tory but I will never say that any of Her Majesty's ministers had imposed upon us under pretence of doing us a benefit. We have all heard of the family compact, but we have now another family compact, by which all the posts of the Administration are filled by the members of the family of Mr. Viger. It is by his name that the present amendment is supposed to be supported. He and Mr. Papineau are said to be the friends of the Governor. He might well say save me from my friends. They were however the breath and life of the present Administration. The honorable gentleman then proceeded to animadvert on the conduct of the Ministry in the case of Mr. Barnard, who, he said, had by some strange accident, from being the supposed Attorney General, been thrust into the office of Clerk of the Court. And said that instead of choosing some experienced lawyer for the

office of Prothonotary of the City of Montreal, they had fixed upon a man who had become a subject of the United States, and who was at the time practising at New York - a mere boy, whose only claim was that he was the nephew of the hon. member for Ottawa, and the brother of the celebrated Papineau. He then mentioned the case of Mr. Murney, who he said was a Clerk of the Peace, and had opposed the Attorney General, the case cited as a parallel by the hon. member, who had mentioned the case was no parallel at all. A fair one would be, to suppose the servant of a merchant, who should assert his right to set up against his master in his own house. As to the difficulties in forming an Administration which it was said the Governor had experienced, he asked why the hon. member for Montreal or the hon. Speaker of that House had not been sent for. And the hon. gentleman concluded by declaring, that if the principles of Responsible Government were not carried out by the present generation, at least their children would reap the benefit of the discussion of the subject.³⁵

MR. JOHNSTON reminded the groaning member that at his (Mr. Aylwin's) first election, he had been elected eight days before the writ arrived, and that this last time he had only got a seat by chiming in with Mr. Chabot, when he could never have got in upon his own hook! He, Mr. Johnson, would like to see him try to represent Carlton, where they were all intelligent people, and offered to resign the next day if he would only promise to make the attempt. As to the late Administration, they had been nine months conducting mischief, and all the good they had done during that time was to themselves, when they went every quarter's day to thrust their hands into the Receiver General's chest. Now they said they did'nt (sic) care about office, but that was only because the grapes were sour. He exhorted them to repent, reminding them that the Scriptures held out hopes to all truly penitent sinners! They had been trying too, to set the country against old Squaretoes by means of a rebel society they called a Reform Association - but it was "no go". The present Governor was one of the kindest hearted men that ever lived, and his only object in coming to the country was to reconcile people, and get them to live together in peace, as they ought: yet he had been assailed by the vagabond prints of the Association, which wanted to drive him away. The Hon. Member ... ((commented)) on Lord Sydenham's Administration³⁶ -

Some remark was made in French by a member opposite.³⁷

"What's that," said MR. JOHNSTON quickly - "if you don't look out I'll speak Irish to you presently!" He afterwards referred to the Pilot newspaper, and its ... editor, observing of the latter that if he could not be made to answer at the bar of that House for his wickedness, there was a bar before which he would some day have to appear. The murders which had lately been committed were on his shoulders, for it was he who, like a wicked demagogue, had excited the feelings which had led to them. He read extracts from the Pilot to bear out his statement, and said that if the Grand Jury of Assize were sitting, he would himself send up a bill before them that they might put down the print as a nuisance. Was it not horrible, he asked, that this editor, who professed to be an Irishman, should do all

that he could to set Irishmen against one another by means of two bits of different coloured ribbons about which no sensible man cared two pence. It was his fault that Irishmen instead of being looked up to and respected, were rejected and reviled.³⁸

((MR. MURNEY spoke.))³⁹

ATTORNEY GENERAL ((JAMES)) SMITH said, that before proceeding to offer some observations upon the subject before the House, he deemed it necessary to say a few words with respect to the position which he occupied as a member of the Government. He had held office but a few months, and in its acceptance he had sacrificed no principle; he had accepted office with the determination to assist in administering the constitution of the country in all its purity. Many of the hon. gentlemen opposite knew his principles; they knew well that he had not changed them; he had ever been the advocate of responsible Government; he desired only to see the resolutions of 1841 carried out in the administration of Government; and was prepared to carry them out to the best of his ability, and to stand or fall by them - (hear.) Hon. gentlemen opposite had referred to British history and to British Constitutional practice; he desired only that they should be the rule of the Provincial administration; but he confessed he had felt astonished when he had heard some members of the opposition as the hon. member for the Fourth Riding of York and the hon. member from Quebec assert that the British Constitution was an unwritten Constitution - (ironical cheers). He asserted that it was not an unwritten - that it was a written Constitution. - (Hear, hear.) Hon. gentlemen might cry "hear, hear;" but if the people would look to the books - if they would make themselves conversant with British history instead of listening to the reckless assertions of demagogues, they would find that they owed their political rights and liberties to the written law of England - (Hear.) He would point to Magna Charta, to the Bill of Rights, to the Declaratory Act of 1688, and who would then pretend to deny that the chief rights of British subjects arose from and were protected by written statutes - (cheers.) Have the hon. gentlemen read the charters of the thirteen Colonies - the acts by which a constitution had been conferred upon this country, - if so he dared them to stand up and say that we have not a written constitution, by which these political and civil rights now enjoyed were conferred -⁴⁰

Laugh from ((MR.)) AYLWIN.⁴¹

((ATTORNEY GENERAL JAMES SMITH continued:)) - The hon. member from the city of Quebec is pleased to laugh; that is really the hon. gentleman's forte; his resource when his arguments fail; he was the "laughing member" of one administration and appears not to be the groaning member of the opposition; but before he (Attorney Gen'l.) had done with him he should exhibit that gentleman in such a light that the House would not see a smile on his face again - (laughter and ironical cheers.) He (Attorney General) had much to hope for from the indulgence of the House, in the exercise of a spirit of forbearance towards him; they knew him to be a stranger to the

business of legislation and to parliamentary forms; and he trusted that hon. gentlemen would pardon any unintentional violation of them; he knew, indeed, that by some of the hon. gentlemen opposite, he would be met in a friendly and honorable spirit; but if he was ignorant of parliamentary forms, he at least knew something of the principles which should guide him in the discussion of questions which might come before and occupy the attention of the House, and should endeavour to maintain that position which was due to his position, and to the House. An attempt had been made to appeal to the French Canadians as a race to withhold their support from the present administration - (No.) Surely hon. gentlemen had not so soon forgotten. Was it consistent, was it just for them to point to the Ministerial Benches and to assert that there the French Canadians were not represented? He could say that such a course would not tend to produce or preserve that harmony necessary to the beneficial exercise of their legislative functions. Hon. members on the opposition benches had referred to English principles and asserted them to be their guide in the course which they had thought proper to pursue. What was the position assumed by these gentlemen? Before the termination of the late election throughout the Province, the issue was placed upon the quarrel with the Governor General; but after they had terminated - when hon. gentlemen found that even upon the specious grounds which they had put forth, the country had refused to sustain them, they had shifted their position, and leaving this first ground had brought their strength to bear upon what they had termed the interregnum - (hear, hear - no! no!) - he would maintain that was the case, if he⁴² could believe their own speeches. Why, what was the issue first before the country? Was it a question⁴³ of Constitutional principles? No. It was a question of veracity, in which the Representative of the Sovereign and his Advisers were parties -⁴⁴

Loud cries of "hear, hear," and "no! no!"⁴⁵

((MR. JAMES SMITH replied:)) Honourable gentlemen may say "no," but he would refer them to documents which could not be mistaken - to the public journals. He would repeat that the question put before the country was not a question of Constitutional Law, but one of fact - (hear) - upon a statement of certain differences between the Head of the Government and his Advisers, made notwithstanding the protest of the Head of the Government - (hear) - a protest the facts stated in which had never been denied - (Oh! oh!) What he had stated was perfectly correct. There was no disclaimer of the facts stated in that protest. The document which had been sent down to the House and entered on the journals, contained two grounds of quarrel. His Excellency had transmitted a protest against the "explanations" made in that document: that protest had likewise been entered on the journals. Where was the disclaimer? There was none: - (Hear, hear) - there was but a vote of the House⁴⁶ -

Ah! from MR. AYLWIN.⁴⁷

((ATTORNEY GENERAL JAMES SMITH continued:)) based upon a resolution moved by the hon. member who then represented the Town of Niagara. But that

was no disclaimer on the part of ministers of the allegation contained in the protest of His Excellency the Governor General. Was it ever pretended in a British House of Commons that ministers could come down to Parliament with a case of facts, not only not agreed upon between the Sovereign and them, but against which the protest of the Crown had been entered - was there a case in the whole range of English history parallel to that which now rested as a blot upon Canadian history? - (Hear.) When His Excellency had denied the statement of facts, Ministers should have vindicated themselves - they should have placed upon the journals a solemn negative of that protest, if they believed it to be unjust to them. They should have called upon the House to protect their honor, and to have placed their vindication upon its journals. If that had been done, they would have heard nothing of two parties existing in the country, divided upon the point at issue; there would have been nothing of the distraction and agitation of the country which had now been brought upon it by their neglect, if not their ignorance of Constitutional law and practice. - (Cheers.) The hon. gentlemen had afforded no evidence to the House in support of their statements, in face of the contradiction of His Excellency the Governor General; and if so, and if they had got their "majority" to believe them, and to support them, what principle was involved in the vote of the House on the motion either of the hon. member for the First Riding of York, or that of the then member for Niagara? It was the duty of the hon. gentlemen opposite to have got the consent of His Excellency to their statement of facts, before appealing to Parliament. Is not that consent required in British practice? Instead of that, (said the Attorney General,) you take up your own side of the question and get your backers to carry a vote, not upon the facts of the case, but upon an abstract theory equally admitted by all parties - (hear, hear.) The vote which you then obtained was not a vote of confidence in you; it was simply the assertion of a freely admitted abstract principle of government - (cheers.) I will read the motion moved by Mr. Price, and that by Mr. Boulton. The first is as follow (sic):-

"Resolved, - That this House has learned with deep regret the retirement of certain members of the Provincial Administration on the question of their right to be consulted, in which it unhesitatingly avows to be the Prerogative of the Crown, appointment to office." &c.

Let honble. gentlemen here remark that the question put to the House in the motion which he had just read was as to the right of the Ministers to be consulted - (cheers) - a right which no one denied - and the simple assertion of which naturally received the assent of the Assembly. Mr. Boulton's motion reads:-

"Resolved, - That this House, in dutiful submission to their Most Gracious Sovereign, and with the utmost respect for the exalted station and high character of His Excellency, is most anxious to guard against any misconstruction which possibly might be placed upon the affirmative declaration of their opinion, upon this delicate and most vitally important constitutional question, and therefore most humbly beg leave to disclaim in a negative form, any desire that the Head of the Government should be called upon to enter into any stipulation, as to the terms upon which a Provincial Administration

may deem it prudent either to accept of or continue in office; that mutual confidence, which is essential to the well-being of any Government, necessarily presume (sic) that they are understood, while a due respect for the Prerogative of the Crown and proper constitutional delicacy towards Her Majesty's Representative, forbid their being expressed."

Now was there any gentleman prepared to state that this resolution was not in support of the resolutions of 1841? It merely asserted an abstract principle which was admitted by all parties. There was nothing in that resolution to contradict the statement made by the Governor General. If it was assumed to be a vote of confidence in the statement of the resigned Ministers it was equally so in its relation to that of the Governor General, and so had it gone to the country. It was because that upon those statements the country had chosen to place confidence in that of the Governor General, and had sustained him, that those hon. gentlemen opposite shifted their ground. The hon. gentlemen had referred to British practice. To that practice he was prepared to go with them. And he would lay down as law, that where a Ministry resigns office, without being able to justify themselves to the country, they are responsible, and upon them must fall the consequences of the act. If his hon. colleague, the member for Megantic, who had been one of the colleagues of those hon. gentlemen, had advised the dismissal of his colleagues, upon him would rest the responsibility of the consequences of that advice, if he failed to justify it before the country, and to obtain its sanction. What was the opinion expressed by Lord Brougham upon that point in 1835? (The hon. gentleman here read an extract from a speech of Lord Brougham, in which his Lordship had declared that in the case of a dismissal by the King of his ministers, the responsibility for the act of dismissal falls upon those who succeed as advisers of the Sovereign, but that when a ministry resigns voluntarily, upon them rests the responsibility, and the duty of defending the act before the country.) If it is a crime in a minister to advise the dismissal of an administration, was it not still more so for them to abandon their posts without being able to justify the desertion. If these hon. gentlemen, in accordance with English practice, had gone to the Head of the Government, and submitted to him the grounds of difference, and had agreed upon a written statement of facts, with which to come down to Parliament, there could be no question but that the House would have been placed in a position in which to come to a direct decision. But, on the contrary, a statement of their own was submitted to Parliament, in defiance of the protest of the Head of the Government, and in defiance of the simplest rules of British practice. He could tell these hon. gentlemen that had a British ministry acted in such a manner, they would have been consigned by the British people for ever to the retirement of private life -⁴⁸

Cheers - laugh from ((MR.)) AYLWIN.⁴⁹

((MR. ATTORNEY GENERAL JAMES SMITH continued:)) - and if a correct feeling prevailed in this country, the hon. member for Quebec would not only have been cut off from all hope of a seat on the Ministerial Benches, but of a seat in that House. - (Cheers.) Upon the question, however, as placed

before the country, the people had decided against the statement and course of the late ministers and had by its verdict consigned them to the opposite benches. The honorable Attorney General then proceeded to remark upon the amendments which had been introduced by the honorable gentleman from the Fourth Riding of York. With respect to the first, if blame was to be attached for the omission made, it attached to him -⁵⁰

No blame, no blame.⁵¹

((MR. ATTORNEY GENERAL JAMES SMITH resumed.)) Well, if hon. gentlemen were satisfied he would pass on to the consideration of that which referred to the Civil List. The hon. gentlemen appeared to be dissatisfied that there had not been inserted in the Address a solemn declaration of the undoubted right of Parliament to grant the supplies necessary for the support of the Civil Government. If it was recollected that it was by the Union Act that the present Civil List was imposed upon the country, the House would see that the hon. gentlemen themselves were at least responsible for their acquiescence in the continuance of the grant. Those hon. gentlemen, when they occupied the Treasury Benches, never thought proper to remonstrate against the continuance of that portion of the Act of Union.⁵²

Hear, hear, from ((MR.)) AYLWIN.⁵³

((MR. ATTORNEY GENERAL JAMES SMITH continued:)) - they never made any motion in the matter. The resolutions upon which the Address on that subject to Her Majesty was founded were brought into the House by the hon. member for Gaspé after the resignation -⁵⁴

Ministerial cheers⁵⁵.

((MR. ATTORNEY GENERAL JAMES SMITH continued:)) - and therefore hon. gentlemen opposite could claim no credit in the premises whatever. Nothing had been said about the injustice of that Act while those gentlemen were in the enjoyment of their salaries, but now when the people were about to get back their Constitutional rights - and the late ministers find themselves out of office, they express a desire to strike the hand that gives them back those Constitutional rights. - (cheers.) It had been said there was no declaration of the sole right of the representatives of the people to the disposal of the Provincial revenue. Why, such a declaration was inserted in the Act of Union itself. The preamble to that Act declared that the provision made with⁵⁶ respect to the Civil List was contrary to the spirit of the Act of 1790. No principle was more distinctly⁵⁷ admitted than that contended for by the honble. gentlemen; and that only the very peculiar circumstances of the country could alone justify the appropriation by the Union Act of a Civil List. The Speech from the Throne had intimated Her Majesty's willingness to restore to her Canadian people the rights which they had formerly enjoyed; but hon. gentlemen were not satisfied with that; in their new zeal, they require more; they called upon the House to declare the Act a gross violation of their constitutional rights. (Hear.) If they were not prepared to accept the boon thus offered, of course the blame must

rest with them; but he believed the House was not now prepared, when all that had been prayed for was acceded to, to declare the Act of Union a direct attack upon their liberties, as oppressive, and as a violation of their rights. (Cheers.) He would now advert to that portion of the Address which contained these words: - "That this House fully confides in the declaration of His Excellency that he will continue to administer the charge committed to him by Our Most Gracious Sovereign according to the acknowledged principles of our Provincial Constitution, and with a view to the wants and wishes of the community. And this House learns with exceeding satisfaction that on the occurrence of vacancies in several of the most important offices of the administration, immediate efforts were made by His Excellency to fill them by gentlemen supposed to possess the confidence of the people. While they rejoice at the assurance of His Excellency's incessant exertions to supply those vacancies, they nevertheless regret to learn that obstacles should have intervened to delay the accomplishment of this constitutional purpose." The amendment proposed to this portion of the Address was one which he was satisfied the House was not prepared to sustain. He need only revert back to the circumstances in which the Executive was placed by the gentlemen opposite, to show that the amendment is a direct censure upon the Head of the Government, and therefore cannot, consistently with the practice of Responsible Government, be adopted by the House. Those hon. gentlemen had told the House that the Ministers were responsible for every act of the Representative of the Sovereign, and that the Governor General stands in the same position to his Ministers as the Queen, of whom he was the Representative, to the Cabinet of England. Let the House, then, see their profound knowledge of constitutional law. If Ministers are responsible for every act of the Executive, what other course is consistent with British practice than to express disapprobation of the policy of the Government, by a motion of want of confidence in the advisers of the Crown? They should be subjected to a withdrawal of the confidence of the Representatives of the people, or if they had committed any flagrant violation of constitutional rights, to impeachment. But would hon. gentlemen pretend to assert that a vote of censure on the Head of the Government was in accordance with any single principle of Responsible Government? Did they assert so monstrous a doctrine? (hear.) Those hon. gentlemen must see the position in which they are placed by the course which they had thought proper to pursue - a most ridiculous one, in his opinion - (cheers and laughter.) The hon. member for the Fourth Riding of York as well as the hon. member for the city of Quebec had been pleased to indulge themselves in a little sarcasm upon the varied materials to be found on the ministerial side of the House, supporting the administration, and had done so at his (Attorney General's) expense. He confessed that if the picture drawn by the hon. gentlemen was correct, he should feel himself in a somewhat singular position. But when he looked back to the position of parties in 1841, he felt that those hon. gentlemen possessed no advantage over him. Who were the colleagues, then, of the hon. member for the Fourth Riding of York? - (Hear, hear.) Were they men who had succeeded in establishing those principles which that gentleman had consistently advocated? - (Hear.) He feared not; he (Mr. Baldwin) - fancied that he had attained the end of

all his labours, and having beside him his faithful friend (Mr. Price) his Fides Achates who had stood by him through good and evil report, and being surrounded by a trusty band of followers the hon. gentleman had yielded himself to the most pleasant anticipations. But let us look a little farther. The hon. gentleman suddenly found himself in opposition; he looked for his friends, but they were gone. The pleasing wand of Lord Sydenham had secured them, the allurements of office had made them apostates to their principles - (hear, hear.) The hon. member for the First Riding had alone stood firmly by him. He might point out some individuals who had then deserted the hon. gentleman who not then in the house. - (hear.) What was the case in Lord Sydenham's time, was also in that of his successor. Were there not then, likewise, your men of error? - (Cheers.) - The hon. gentleman from the Fourth Riding of York witnessed these changes, and he witnessed them with regret. No wonder that he had declared, in reference to one of these desertions, "Confidence ~~once~~ broken can never be restored," - (hear,) - it was no matter of surprise that he had inwardly exclaimed, "Alas for the instability of human nature? Ichabod! Ichabod! the glory is departed!" - (Cheers and laughter.) - Yet, the hon. gentleman rejected not the assistance of men who, after twenty-four hours of deep thought had discovered that during the whole previous period of their lives they had acted wrong, and resolved to change the course and make amends for past injustice. - (hear.) - The hon. member for Quebec, too; doubtless he entertains many lively recollections of the past. Does he recollect ten years ago, when he was a most active member of the Constitutional Society of Quebec; that in the warmth and ardour of his zeal he had publicly declared, "We can make nothing of these French Canadians now - we must teach them English before they will learn?" (No, No?) Perhaps the hon. gentleman had forgotten; no doubt he had forgotten, (hear) - But let him reflect, if he had forgotten, the country had not forgotten, - (hear.) For himself, he was bold to assert that he had never changed his principles. - (Ironical cheers.) Let those gentlemen point out to him, the time when he advocated any other principles than those which he now avowed. He dared them to do it. - (Cheers) He hoped, however that no further allusion would be made to such matters, but that the hon. gentlemen on the Ministerial side of the House, with himself and his colleagues would be permitted to carry out the principles which they now professed. Much had been said with respect to his hon. and venerable friend, the President of the Council, who was not now in the House to vindicate himself. - (Hear). But it should be recollected by hon. gentlemen that the hon. member for the Fourth Riding of York - the late Attorney-General of Upper Canada, had himself failed twice to obtain a seat, and went to that place of refuge for the destitute - Rimouski - (Hear, hear.) The late secretary for Canada West - had likewise failed twice in obtaining a seat - (hear) - why, then, should not Mr. Viger have the opportunity of a third run? If it was constitutional in those hon. gentlemen, it surely could not be unconstitutional in the hon. President of the Council. - (Hear.) He should not longer occupy the attention of the House. He had pointed out the course to be pursued, if hon. gentlemen desired to express disapprobation of the manner in which the administration of the Government had been carried on: but in the shape in which the amendments had been introduced,

it was utterly impossible, without a direct violation of the principle of Responsible Government, for that House to adopt them.⁵⁸

The hon. gentleman ((Mr. Attorney General James Smith)) resumed his seat amidst the cheers of the Ministerial side of the House.⁵⁹

M. LAFONTAINE remarque que l'honorable procureur-général (M. Smith) a pris des sophismes pour des principes d'une exacte vérité; qu'il n'aura pas longtemps siégé dans cette chambre sans s'apercevoir que pour convaincre, il lui faudra avoir recours à des argumens solides, et non pas s'en rapporter entièrement, comme il vient de le faire, à des sophismes, au ton sonore de sa voix et à la chaleur parfois trop grande de ses expressions. M. La Fontaine le prie de vouloir bien prendre en bonne part le conseil que, comme son ami, il se croit appelé à lui donner; c'est qu'occupant une situation d'une haute responsabilité, il ne lui siérait pas mal de montrer un peu plus de sang-froid, de modération, et qu'il pardonne le mot, aussi un peu plus de modestie. Son collègue, l'hon. commissaire des terres, a parlé hier avec assez d'emphase de son honnête modestie; nul doute qu'il possède cette vertu à un très haut degré: du moins devons-nous l'en croire sur parole. Qu'il la fasse partager à l'honorable procureur-général; l'un en aura un peu moins il est vrai, mais aussi l'autre en aura un peu plus; ils y gagneront mutuellement. L'hon. procureur-général (sic) a voulu imiter quelques membres de l'opposition; il a voulu, aussi lui, faire voir qu'il pouvait être sarcastique. A juger par l'effet qu'il a produit dans cette chambre, il doit être convaincu qu'il n'a pas été heureux dans cette tentative; il devra donc à l'avenir renoncer à faire usage d'une arme qu'il ne sait pas manier, et dont les coups ne peuvent que retourner (sic) contre lui.

Il ne sait à quel propos l'hon. procureur-général a débuté par un essai, une dissertation à sa façon; en un mot, pour se servir de ses propres expressions, par des lectures sur les grands principes de la constitution anglaise. Etait-ce pour tomber de plus haut qu'il nous a tenu ce langage? "Il ignore, a-t-il dit, les formes parlementaires; il n'est qu'un jeune membre sur ces bancs; il lui faut quelque temps pour les apprendre. Mais s'il ignore, continue-t-il, ces formes parlementaires, il va nous faire voir à nous, membres de l'opposition, qu'il n'ignore pas les principes de la constitution anglaise (sic); il va nous donner des leçons sur cette institution, leçons qui seront telles que nous ne les oublieons (sic) pas de sitôt, et qui démontreront clairement l'ignorance où nous étions des grands principes de cette même constitution." Puis avec beaucoup de couleur, et en nous portant un défi, il s'écrie; "La constitution anglaise est une constitution écrite; et je vous défie (challenge dare, ce sont ces (sic) expressions) de nier cette vérité, et de me montrer aucun livre anglais, l'ouvrage d'aucun publiciste, qui maintienne le contraire, c'est-à-dire que cette constitution est une constitution non écrite."

M. La Fontaine dit que telle est la substance du langage du procureur-général, langage qui ne l'a pas peu étonné; et quelque soit le ton d'assurance avec lequel il a émis cette proposition, il doute fort qu'elle soit approuvée de tous les collègues de l'hon. membre.⁶⁰

Il faudra déchirer tous nos livres, même les plus élémentaires! Il nous faudra dorénavant cesser de croire à l'omnipotence jusqu'ici reconnue du par-

lement impérial! Cette omnipotence que les anglais ont toujours regardée comme l'un des premiers attributs de ce parlement, n'a donc jamais existé! C'est l'hon. procureur-général qui nous l'apprend. Il lui était réservé de faire cette découverte, découverte d'une si grande importance qu'il ne manquera pas sans doute de saisir l'occasion de la prochaine malle pour envoyer en Angleterre des milliers de copies de son discours, convaincu, comme il doit l'être, que ce discours fera nécessairement revenir de leurs erreurs les hommes politiques de la mère-patrie et de l'Europe entière. L'hon. procureur général, en disant que la constitution anglaise est une constitution écrite, pose par cela même des limites à cette constitution. Il renferme dans certaines bornes les pouvoirs du parlement impérial: il restreint ses attributions. Il lui reconnaît, dans cette constitution écrite, un supérieur à l'autorité duquel cette législature doit se prosterner avec un respect, une obéissance aveugle. Si cette constitution est écrite, le parlement impérial est soumis à son contrôle; il en est l'esclave; il ne peut la changer, la modifier, l'altérer en quoique (sic) ce soit car, en le faisant, il méconnaîtrait l'autorité, le supérieur qui lui a donné le jour. M. La Fontaine ajoute que, quelques (sic) soit son respect pour les connaissances en droit constitutionnel que l'hon. procureur général se glorifie d'avoir acquises, il ne peut néanmoins changer, abandonner les opinions, les convictions qu'il s'est formées par la lecture des publicistes anglais et autres qu'il a étudiés, et par l'examen attentif du fonctionnement, de la marche de cette même constitution dans la mère-patrie et dans son Parlement. Il persistera encore à croire que la constitution anglaise n'est pas une constitution écrite, comme l'hon. a voulu le prétendre, et que le Parlement Impérial continuera d'être, comme il l'a été par le passé omnipotent, c'est-à-dire non-soumis à aucune autorité supérieure.

Quand les hommes d'état et les publicistes examinent la nature des constitutions politiques des trois premières nations de l'univers qui possèdent un gouvernement représentatif, l'Angleterre, la France et les Etats-Unis, ils y remarquent des caractères bien différents. Ils nous disent que celles de la France et des Etats-Unis ont (sic) des constitution écrites, mais que celle de l'Angleterre ne l'est pas. En France, les pouvoirs des chambres sont restreints dans les limites prescrites par la charte. Il en est de même aux Etats-Unis. Le congrès américain reconnaît un supérieur dans la constitution fédérale à laquelle il n'a pas le pouvoir de toucher. Aux Etats-Unis quand il devient nécessaire de modifier la constitution, en suivant un mode que la constitution elle-même a prescrit; mais ce n'est pas le congrès qui agit dans ce cas. En France, au contraire, c'est un crime que de toucher à la charte. Aussi lorsque l'opinion publique demande impérieusement des modifications, elles s'opèrent violemment par l'effusion du sang des citoyens, par émeutes à main armée, qui, plus d'une fois sont devenues des révolutions accomplies. Tandis qu'en Angleterre, là où la constitution n'est pas écrite, et par conséquent non restreinte dans certaines limites comme en France et aux Etats-Unis: là où le parlement impérial est sans contrôle, et par conséquent omnipotent, il s'opère aussi des changements qui souvent par leur importance et leur gravité peuvent être appelés des révolutions. Tel a été le bill de réforme; mais ces révolutions s'opèrent

paisiblement par l'action seule de l'opinion publique et du parlement, et sans verser le sang des citoyens. Et c'est là ce qui fait la beauté de la constitution anglaise. Voilà pour les leçons de droit constitutionnel que nous a données le savant procureur-général, sans que pourtant les honorables membres de cette chambre en puissent découvrir la nécessité ou l'opportunité. Il semble, en effet que cette discussion est, dans les circonstances, sans aucun but, à moins que l'hon. procureur-général n'ait eu la pensée qu'en commençant ainsi son début dans cette chambre, il brillerait de plus d'éclat.

M. La Fontaine dit qu'avant d'entendre le discours d'ouverture, il avait nourri l'espérance que ce discours aurait été ce qu'on appelle dans le langage parlementaire, un non-committal speech, c'est-à-dire que ce discours n'aurait contenu rien qui pût nécessiter une discussion sur le passé. Cette espérance, il l'avait exprimée à plusieurs des membres de l'opposition, entre autres à son honorable ami représentant le comté de Gaspé. Si les conseillers du gouverneur avaient agi avec tact et prudence (sic), ils auraient gardé le silence sur l'interrègne, et alors les membres de l'opposition en auraient fait autant. C'est là la marche que lui semblaient commander les circonstances, et le fait que les deux partis dans cette chambre sont à peu-près en nombre égal. Il regrette donc l'insertion dans le discours du trône des deux paragraphes, qui ont rendu inévitable la discussion qui dure depuis trois jours. Mais puisque les membres de l'administration en ont décidé autrement, la chambre devait au moins s'attendre à ce qu'ils défendraient ce qu'on est convenu d'appeler, et ce qu'eux-mêmes appellent l'interrègne d'autant plus que trois d'entre eux, qui n'ont pas fait partie du gouvernement provisoire, n'ont assumé la responsabilité de l'interrègne que par un acte volontaire de leur part, le discours du gouverneur. On devait s'attendre, s'ils sont sincères dans leurs professions d'attachement au gouvernement responsable, qu'ils feraient voir que l'interrègne n'a pas été une violation des résolutions de 1841; que depuis la résignation du dernier ministre, le gouverneur est resté fidèle au principe de responsabilité, et qu'il a toujours été entouré d'une administration composée de chefs de départements. Mais non, ces messieurs sont forcés d'admettre avec les membres de l'opposition, au moins par leur silence, que l'interrègne a été une violation des résolutions de 1841: que, durant tout ce temps là, il n'y a pas eu d'administration dans le sens de ces résolutions. Alors, s'ils ne peuvent défendre l'interrègne, pourquoi nous ont-ils forcés à entrer en discussion à cet égard? Il allait oublier que l'hon. commissaire des terres, et après lui, l'hon. procureur-général, avaient dit un mot pour justifier cet interrègne; et quel est-il? C'est que, si pendant plus de neuf mois, le gouverneur n'avait pas formé d'administration, il en avait été empêché par les ex-ministres! Est-ce là un argument? Est-ce là une justification? Y a-t-il quelque mot de vérité dans cette assertion? est-ce que c'était aux ex-ministres à former une administration, ou bien au gouverneur? Si, par cette assertion, on veut donner à entendre, et c'est ce qu'a fait l'honorable commissaire des terres, que ses collègues et surtout lui (M. La Fontaine) ont empêché d'accepter une place dans l'administration, aucune personne à laquelle l'offre peut en avoir été faite, il n'hésite pas à dire que, quand (sic) à lui, cette assertion est sans aucun fondement quelconque.

En supposant même que ce serait le cas, il n'y aurait encore là rien qui puisse justifier le gouvernement provisoire.

Il est tellement évident qu'il leur est impossible de défendre l'interrègne que l'on voit le procureur général reporter la discussion sur les événements qui ont précédé cet interrègne. C'est ainsi qu'on le voit se lancer dans une discussion hors de place, puisqu'elle ne roule que sur la résignation de l'ex-ministère, sur ce qui s'est passé en chambre l'année dernière, sur la note du 27 novembre qui explique les motifs de cette résignation, sur la réponse du gouverneur à cette note, en un mot sur tout ce qui est étranger à la présente question. Cette partie de son discours rappelle les pages d'un certain pamphlet qu'un ministre de la religion a écrit pour la défense du gouverneur. Oui, cette administration si honnête, si morale, n'a pas craint de s'assurer les services politiques d'un ministre pour écrire en sa faveur et influencer l'opinion publique. Ce ministre l'a fait; et cette administration, les honorables conseillers de Son Excellence, ont rémunéré, payé ce ministre; ils lui ont donné son prix! Le discours du procureur général n'est qu'une répétition de quelques pages de ce pamphlet.⁶¹

Ici, M. SMITH se lève et déclare n'avoir jamais lu ce pamphlet.⁶²

Alors, dit M. LAFONTAINE, pourquoi donc avez-vous récompensé son auteur? Dans tous les cas, il ne doute nullement que, lorsque celui-ci lira le discours de l'hon. procureur-général, il regrettera que ce discours n'ait pas plutôt vu le jour, car il lui aurait fourni l'occasion d'ajouter quelques pages brillantes à son pamphlet, en y intercalant la savante dissertation de l'hon. procureur-général sur la constitution écrite de l'Angleterre.

M. La Fontaine ajoute que le gouverneur-général n'a jamais nié les faits que lui, M. L., a avancés dans sa note du 27 novembre. Ces faits sont en substance: que des nominations, et des offres de nominations avaient été faites sans l'avis des membres du conseil, et que Son Excellence, après avoir consenti à l'introduction du bill des sociétés secrètes, avait pris la détermination de le réserver à la sanction royale, sans la communiquer aux membres de son conseil, tandis qu'il l'avait fait connaître à d'autres personnes, et que ses conseillers ne l'avaient appris pour la première fois que dans les rues de Kingston. Ces faits n'ont jamais été niés et ne peuvent l'être. L'honorable procureur-général a aussi ressuscité le mot usé de stipulation. Ce mot rappelle encore le pamphlet du révérend M. Eger-ton Ryerson. Il est malheureux que l'hon. membre ne l'ait pas lu ce pamphlet. Il y aurait vu que ce mot qu'avait employé Son Excellence dans son système de raisonnement, a perdu beaucoup de sa force par l'aveu que le ministre salarié a été forcé de faire que ce mot ne devait pas être entendu comme il l'avait été jusqu'alors. Ce mot de stipulation est un mot usé et que les hon. membres de la présente administration, devraient, plus que tout autre, cesser de répéter. Ne venons nous pas d'entendre l'hon. membre pour la cité de Toronto dire qu'il n'avait consenti à accepter la place de solliciteur-général qu'à condition que Son Excellence aurait (sic) recours à une dissolution immédiate du parlement. Est-ce que ce n'est pas là de fait une stipulation expresse à laquelle Son Excellence s'est soumise.

Dira-t-on qu'en s'y soumettant, le gouverneur a dégradé sa dignité de représentant de la couronne? Un autre hon. membre de l'administration, qui siège au conseil législatif, et qui faisait partie du gouvernement provisoire, vient de déclarer ailleurs que lui a fait une stipulation expresse avec S. E. en disant qu'il avait exigé, comme condition de son consentement à rester dans le cabinet, qu'à un jour indiqué une administration serait formée par Son Excellence, et que ce jour là arrivé, sans que la condition fût accomplie, il résignerait son siège. Est ce que ce n'est pas là également et de fait une stipulation aussi expresse que celle que l'hon. solliciteur général a avoué lui-même avoir faite? Est-ce que Son Excellence n'a pas accueilli cette stipulation? L'a-t-il repoussée? Et puisque l'on en est sur le chapitre des stipulations réelles ou supposées, ne pourrait-on pas également dire que comme pendant plus de neuf mois après la résignation de l'ex-ministère, il n'y a pas eu d'administration de former, et que personne ne paraît avoir été autorisée à en former une, il avait été expressément stipulé avec les trois membres du provisoire qu'il n'en serait formé (sic) aucune durant cet espace de tems? en d'autres mots, que ces Messieurs avaient stipulé que le gouvernement responsable serait violé pendant plus de neuf mois? L'honorable membre pour Mégantic est là, c'est à lui à répondre, lui qui a formé partie de toutes les administrations passées, et qui n'aura aucune objection à former partie de toutes les administrations futures. Peut-être en a-t-il fait la stipulation.

M. LaFontaine dit qu'à cette heure avancée de la nuit, il lui est impossible de répondre à toutes les observations qui ont été faites du côté du ministère. Il doit néanmoins exprimer sa surprise des idées émises par l'honorable commissaire des terres sur l'étendue des droits politiques que les Canadiens, comme colons, peuvent revendiquer. L'hon. commissaire nous dit que nous n'avons d'autres droits que ceux qui sont écrits dans l'acte d'Union. "Remarquez, dit-il, que nous ne sommes que des colons; que nous avons une charte; que cette charte est l'acte d'union; que c'est dans cette charte que sont écrits nos droits; que nous n'en avons pas d'autres. En dehors de cette charte, ajoute-t-il d'un air triomphant, vous n'avez rien, vous n'êtes rien." Il condescend pourtant à reconnaître aux colons le droit de pétition au parlement impérial. Quelle condescendance! Il faut néanmoins l'en remercier, puisque ce droit de pétition qu'il veut bien nous reconnaître, n'est pas écrit dans l'acte d'union. Hélas! Si nous n'avons pas d'autres droits politiques que ceux qu'on a bien voulu nous accorder par l'acte d'union, l'honorable commissaire des terres a eu raison de dire qu'en dehors de cette charte, nous n'avons rien, nous ne sommes rien. Même avec cette charte, nous n'avons rien, nous ne sommes rien. En effet, quels droits nous confère cette charte? aucun. Est-ce celui de nous assembler en assemblée générale? Il me semble que ce droit était inhérent à tous les sujets anglais. Ce droit même, l'hon. commissaire des terres ne voudrait pas le reconnaître, si nous n'avions pas l'acte d'Union! Si nous n'avons pas d'autres droits politiques que ceux que nous accorde l'acte d'Union, comment se fait-il que l'hon. commissaire des terres ait pu l'année dernière appuyer l'adresse de l'hon. membre pour le comté de Gaspé, qui déclarait que le parlement impérial n'avait pas le droit d'approprier les revenus de la province sans notre consentement? Assurément si nous n'avions pas de droits politiques avant la passation de

l'acte d'Union, nous ne pouvons nous plaindre de cette appropriation de nos revenus. Il y aurait contradiction, et quelque chose de plus, à le faire. L'hon. commissaire des terres, a-t-il bien pesé toutes les conséquences, tous les résultats de cette nouvelle doctrine? Il nous faudra donc regarder comme lettre morte l'article de la capitulation qui déclare que nous devenons sujets anglais; le traité de cession qui nous confirme et garantit ce titre; la proclamation du roi de 1766, qui reconnaît aux habitans de la colonie le droit qu'ils ont, comme sujets anglais, de se réunir en assemblée générale par le moyen de représentans librement élus, et qui autorise le gouverneur-général de convoquer cette assemblée générale aussitôt que les circonstances le lui permettront. Si sir James Murray, le premier gouverneur du Canada (sic) anglais, eût convoqué cette assemblée générale en 1764, nous aurions eu une législature; et cependant nous n'aurions pas eu de charte écrite. Est-ce que cette législature eût été sans pouvoirs, sans attributs? Non; elle aurait exercé tous les pouvoirs, tous les attributs que nous réclamons aujourd'hui, avec encore plus d'étendue, parce qu'ils n'auraient pas été restreints comme ils le sont aujourd'hui par une charte, par un acte du parlement impérial. Comment en est-il dans la Nouvelle-Ecosse, ou dans une autre province du golfe où existe le gouvernement représentatif, sans néanmoins qu'il y existe aucune charte écrite? Qu'est-ce que c'est, après tout, que cet acte d'union, cette charte écrite? Est-ce autre chose, sous le point de vue constitutionnel, que la prescription de certaines formes sous lesquelles, en obéissance au parlement impérial, nous devons exercer des droits politiques qui nous appartenaient avant cette époque, droits préexistant (sic), inhérents à notre qualité de sujets anglais? Cet acte d'union, cette charte écrite, comme s'exprime l'hon. commissaire des terres, reconnaît ces droits politiques préexistant (sic) par cela même qu'elle apporte des restrictions à leur exercice sous certains rapports. Il faut être bien aveugle ou bien dévoué au pouvoir pour méconnaître ces droits, et prêcher en Canada une doctrine qui les sappe (sic) dans leur base. C'est cependant ce que vient de faire l'hon. commissaire des terres. Il faut lui en laisser tout le mérite.⁶³

M. La Fontaine dit que, puisque l'hon. commissaire des terres ne reconnaît aux habitans du Canada, d'autres droits politiques que ceux qui peuvent être expressément écrits dans l'acte d'Union, ses opinions sur ce point s'accordent parfaitement avec celles qu'a exprimées avant hier, l'hon. membre pour Huron (Dr. Dunlop). Celui-ci a dit qu'il était ridicule de prétendre que les habitans du Canada, en passant sous la domination anglaise, par ce qu'il appelle la conquête, eussent des droits politiques qui leurs (sic) fussent inhérents comme sujets anglais. Le savant docteur, aussi lui, a méconnu la capitulation, le traité de paix, la proclamation de 1763, l'acte de 1778. Il doit-être content d'avoir converti à cette opinion l'hon. commissaire des terres. L'aura-t-il également converti à cette autre opinion que le savant docteur répète tous les jours dans cette chambre que le gouvernement responsable n'est pas autre chose qu'un humbug? Qu'il en soit ainsi ou non, toujours est-il vrai qu'il est un des plus fermes appuis de l'administration dont l'hon. commissaire des terres est l'un des principaux membres.

L'hon. commissaire des terres, dans la vue sans doute de justifier sa nouvelle position, a dit que les ex-ministres avaient fait une faute en résignant, et qu'ils n'avaient eu aucune bonne raison d'abandonner leur poste. Il n'y a à ce reproche, un peu trop tardif de sa part, qu'une seule réponse à faire, c'est que lui-même les a approuvés, dans la dernière session, d'avoir fait ce qu'il leur impute à crime aujourd'hui. Il est vrai qu'alors la place de commissaire des terres ne lui avait pas encore été offerte, et que ce n'est que depuis qu'il l'a acceptée qu'il paraît avoir changé son opinion.

L'honorable procureur-général, ne pouvant pas nier que l'interrègne ait été une violation des résolutions de 1841, voudrait en faire peser la responsabilité sur les ex-ministres, lorsqu'il dit: C'était à eux à justifier leur résignation aux yeux du pays; s'ils avaient obtenu une majorité aux élections, ils n'auraient pas été responsables de l'interrègne; n'ayant pas obtenu cette majorité, ils en sont responsables. Quel étrange raisonnement? L'interrègne est un fait subséquent à leur résignation acceptée par le gouverneur. Depuis ce moment là Son Excellence a appelé auprès d'elle d'autres conseillers qui, seuls, aux yeux de la constitution, sont responsables de l'interrègne, mais qui, suivant l'étrange raisonnement du procureur-général, pouvaient en être responsables, et pouvaient aussi ne pas l'être, selon que le résultat des élections donnerait ou ne donnerait pas une majorité aux ex-ministres. Si cette majorité eût été favorable à ces derniers, l'honorable procureur-général les releverait de la responsabilité de l'interrègne. Il la ferait donc peser sur d'autres; et sur qui? Serait-ce sur les trois membres du gouvernement provisoire, ou sur le gouverneur? Mais si les ex-ministres doivent être tenus responsables d'actes auxquels ils n'ont pas et n'ont pas pu participer, pourquoi n'en seraient-ils pas tenus responsable (sic) indépendamment du résultat des élections, qui est un fait qui pouvait avoir lieu ou ne pouvait pas avoir lieu? Ce n'est là qu'un de ces sophismes que l'honorable procureur-général a pris pour des arguments. Que l'on remarque, néanmoins, qu'il attache une grande responsabilité au fait de l'interrègne, par cela même qu'il s'efforce de la rejeter sur les ex-ministres. Il y a dans ce fait là seul une admission de la part de l'honorable procureur-général que l'interrègne a été une violation du gouvernement responsable. Ainsi c'est de sa part une condamnation de la conduite de son collègue, l'honorable membre pour Mégantic, de l'honorable président du conseil, et de l'honorable procureur-général du Haut-Canada. L'on parle de majorité. Où est elle cette majorité? Quel en serait le chiffre, si tous les membres étaient à leurs sièges? Que deviendra cette majorité du moment, si deux ou trois seulement de toutes les élections contestées sont décidées d'une manière défavorable aux membres siégeant? L'hon. membre pouvait-il alors parler de majorité? Que l'on cesse donc de parler d'une majorité qui n'est pas ce qu'on appelle, dans le langage parlementaire, a working majority.

Il avoue que le ministère a obtenu une majorité dans le Haut-Canada? Mais en est-il de même dans le Bas-Canada? Non; la très grande majorité dans cette section de la province, s'est prononcée contre lui. Les membres de l'administration, qui sont du Bas-Canada, ne sont soutenus dans cette chambre que par une très faible minorité des représentants de cette partie de

la province. Ils veulent consacrer le principe que le Bas-Canada doit être gouverné par sa minorité, avec le secours d'une majorité du Haut-Canada. C'est le principe de lord Sydenham, contre la mise en pratique duquel s'étaient élevés en 1841, les honorables membres du cabinet qui appartiennent au Bas-Canada, à l'exception de l'honorable membre pour Mégantic (M. Daly). Quant à lui, il est prêt à approuver toutes les administrations, pourvu qu'il en fasse partie. On répond, comme l'a fait l'honorable procureur-général, et avant lui le solliciteur-général, que cette minorité du Bas-Canada et cette majorité du Haut-Canada, forment une majorité de la chambre. En supposant que tel serait le cas, ne tombez-vous pas en contradiction, lorsque vous invoquez le gouvernement de la majorité pour le Haut-Canada, et que vous le déniez au Bas-Canada? Ne faites-vous pas ce que vous avez reproché à lord Sydenham d'avoir fait?

L'hon. Solliciteur-Général (M. Sherwood) a admis que la dernière administration avait dans la chambre la majorité des membres élus dans chacune des deux sections de la province; mais il a ajouté que cette majorité, quant au Haut-Canada, n'avait pas la confiance de la majorité des électeurs de cette section de la province, comme l'a fait voir le résultat de l'élection générale. N'est-ce pas là invoquer pour le Haut-Canada un principe que, par le fait, il répudie pour le Bas-Canada. S'il trouve juste que le Haut-Canada soit gouverné par sa majorité, est-ce qu'il ne doit pas également trouver juste que le Bas-Canada le soit de même par sa majorité? Il est forcé d'admettre que le résultat de l'élection générale a placé l'administration dans une bien faible minorité dans le Bas-Canada. Il cherche néanmoins à s'en rendre compte; et cette partie de son discours, ajoute M. La Fontaine, a produit une pénible sensation sur les bancs de l'opposition qui comptent la très grande majorité des membres du Bas-Canada. Il nous a dit qu'ayant pris des renseignements sur les motifs qui pouvaient avoir animé les Canadiens français, il en était venu à la conclusion que leur ignorance était trop grande pour qu'ils pussent comprendre la question du gouvernement responsable. Il n'a pas craint de répéter dans cette chambre ce reproche banal, injurieux, et d'autant plus outrageant que rien ne le justifie. Il y a de quoi s'étonner de voir que l'honorable commissaire des terres a pu garder le silence, lorsqu'il a entendu son collègue prononcer cette expression insultante pour ses compatriotes? Serait-ce par hasard de lui que l'honorable solliciteur-général aurait obtenu les renseignements dont il nous a parlé? Il ne faut pas le croire avant qu'on l'entende de sa propre bouche. Que l'honorable solliciteur-général sache que les Canadiens-français entendent la question du gouvernement responsable aussi bien, et peut-être mieux que les électeurs du Haut-Canada; qu'ils ne leur sont pas inférieurs en intelligence, en talents et en indépendance de caractère. Quand ils se rendent au poll, ils votent pour l'un des candidats, et non pour le gouverneur-général, tandis qu'un grand nombre des électeurs du Haut-Canada, de l'aveu même de tous les partis, ne savent pas pour quel candidat ils votent, mais disent seulement qu'ils votent pour le gouverneur-général. Si c'est là la preuve de la supériorité de leur intelligence et de leur indépendance, qu'ils en aient tout le mérite; les Canadiens-Français ne la leur envieront pas.

Comment l'hon. solliciteur-général, lui qui ne connaît pas le Bas-Canada, a-t-il pu consentir à porter cette accusation injurieuse, lorsqu'un instant après il a été forcé d'avouer, répondant à la question de l'honorable membre pour le 1er Riding de York (M. Price) que les Canadiens-français ne choisissaient pour les représenter dans cette chambre que des hommes qui leur faisaient honneur sous le rapport de l'éducation, des talents et du caractère. Cet aveu seul donne le démenti à son accusation.

M. La Fontaine ajoute qu'il sait chez qui l'hon. solliciteur-général a puisé ses renseignements, et dans quel but il s'en est rendu l'écho dans cette chambre. La source où il les a puisés est la même que celle à laquelle les Canadiens-français doivent attribuer tous les préjugés que leurs ennemis ont réussi à créer injustement contre eux auprès du peuple anglais et du gouvernement impérial, préjugés (sic) dont ils ont tant souffert dans le passé, préjugés que les chefs du parti auquel il fait allusion, craignent de voir disparaître, et qu'ils s'efforcent de faire revivre dans toute leur force. Rien ne lui a fait plus de peine que de voir l'hon. solliciteur-général se rendre dans cette chambre l'origine de ce même parti; et devenir sans le vouloir sans doute, le calomniateur des Canadiens-Français et l'instrument de leur oppression. L'on sait que l'union des Canadiens-Français fait leur force. L'on sait que jusqu'à l'époque de la formation de la dernière administration, ils avaient été systématiquement exclus de leur part légitime dans le gouvernement. Une minorité, une petite minorité (sic) dominait et les opprimait. Elle voudrait encore en faire autant. Quel a été son système? Celui de dénigrer continuellement les Canadiens-Français, et de semer la division parmi eux. C'est ainsi que l'on a vu les chefs de cette minorité et la presse dans leur intérêt, publier sans cesse que les Canadiens-Français se laissaient conduire en aveugles, en esclaves, par deux noms, Messrs. Papineau et Viger; qu'ils étaient incapables de penser pour eux-mêmes en politique, et que leur ignorance était telle qu'ils étaient entièrement à la merci de ces deux hommes et de leur famille. C'est ainsi qu'ils réussissaient à empoisonner (sic) l'esprit des gouverneurs, et par le canal de ceux-ci l'esprit du peuple anglais et du gouvernement impérial. Loin de lui la pensée de nier que messieurs Papineau et Viger, et surtout le premier, aient exercé une grande influence parmi leurs compatriotes. Il admet que cette influence était grande, immense; mais aussi il a le plaisir de reconnaître que cette influence était méritée, et non aveuglement accordée. Cette influence était légitime, car elle était l'effet d'une confiance légitimement acquise. Cette confiance, quelque immense qu'elle pût être, n'en était pas moins raisonnée de la part des Canadiens-Français. Peut-on avoir une meilleure preuve de ce fait que le résultat de la dernière élection générale, et ce qui s'est passé sous nos yeux depuis un an. Autrefois l'on nous opprimait à cause de ces deux noms; aujourd'hui on tente de le faire avec ces deux noms. Quel étrange spectacle! Autrefois nos adversaires dirigeaient tous leurs efforts pour nous diviser contre ces deux noms; aujourd'hui ils ont voulu atteindre le même but à l'aide de ces noms. Mais voyant que leurs efforts ont été vains; que les Canadiens-Français ont déjoué leurs calculs, en démontrant à leurs détracteurs que les principes, et non les hommes, guident leurs opinions et leur conduite, ils reviennent au vieux système de dénigrement, non pas tant à cause des effets qu'il peut produire dans cette province mais principalement en vue de produire de nouveau en Angleterre les préjugés funestes qu'il y avait créés autrefois. On les traite d'ignorants, afin de les faire croire incapables d'exercer leurs

droits politiques. On les dit exclusivement sous l'influence de quelques individus du nombre desquels on lui fait l'honneur de le classer. Que leurs accusateurs se désabussent. Les Canadiens ne se laissent pas conduire en aveugles. Sans doute ils reposeront (sic) confiance dans les personnes, mais ces personnes la perdront aussitôt qu'elles cesseront de marcher dans la voie droite et avec l'opinion publique. Que lui et quelques-uns de ces amis fassent le faux pas que d'autres viennent de commettre, ils perdront de suite, comme ces derniers, la confiance de leurs compatriotes. En faisant figurer les noms de Viger et Papineau dans le conseil, l'on a compté sur les effets probables de cette influence personnelle pour gagner une majorité en faveur d'une administration qui, par son silence, avoue elle-même avoir violé les principes qu'elle professe. L'on a mal calculé; et aujourd'hui l'on dit que les Canadiens-Français sont trop ignorans pour entendre le gouvernement responsable! Ils l'ont entendu comme les ex-ministre (sic), voilà leur crime. On aurait voulu qu'ils l'entendissent comme le gouverneur, c'est-à-dire d'une manière inintelligible. En effet n'a-t-on pas vu Son Excellence dire d'abord que cette question était une question non définie; qu'elle pouvait donner lieu à une variété d'opinions, puisqu'il consulterait ses ministres et ne les consulterait pas; qu'il ne devait prendre leur avis que dans certains cas; et ensuite qu'il devait le prendre dans tous les cas, pourvu qu'ils eussent sa confiance; enfin qu'il était responsable au peuple de la colonie quoique les résolutions de 1841 auxquelles il nous a dit vouloir adhérer, disent et établissent le principe contraire? En demandant que les Canadiens-français approuvassent le gouverneur, on leur demandait d'approuver toutes les contradictions (sic); et parce qu'ils ne l'ont pas fait, on vient avec la sanction apparente de l'administration, les accuser d'ignorance! La pensée principale qui perce dans ce système d'accusation, c'est de faire regarder nos compatriotes non seulement comme opposés à l'administration du jour, mais encore au gouvernement anglais. C'est cette pensée qui a porté les aviseurs connus ou inconnus (sic) du gouverneur à lui faire lancer pendant dix mois dans ses réponses aux adresses, ces accusations de déloyauté, de désaffection qui, en Angleterre, sont toujours regardées comme dirigées contre les Canadiens-français. Ce sont des accusations de cette nature dont MM. Papineau et Viger ont été autrefois ces (sic) victimes, et qui n'ont pas peu contribué à amener les troubles de 1837. C'est la même pensée qui faisait dire aux journaux, organes de l'administration: Où M. La Fontaine veut-il aller avec sa majorité du Bas-Canada? Veut-il lutter contre sir Charles Metcalfe et arrêter la marche du gouvernement? Qu'il y prenne garde. Ils (sic) rencontrera dans sir Charles Metcalfe un Tartare qui saura, au besoin lui faire sentir son autorité.

Tel est le langage de la presse ministérielle. Il n'y a pas à en méprendre le sens. On voudrait le forcer lui et ses amis à renouveler (sic) les scènes de 1837. On voudrait qu'ils fissent ce que d'autres ont fait à cette époque déplorable. Il a été dit de ces temps malheureux, avec une expression bien énergique: qu'un homme avait frappé à coups de peuple, et qu'un autre avait frappé à coups de gouvernement. C'est ce qu'on semble vouloir renouveler (sic) aujourd'hui. Nous sommes en quelque sorte invités, sous la sanction de l'administration, à frapper à coups de peuple, afin de procurer à ces messieurs le plaisir de frapper à coups de gouvernement. Eh! bien, nous ne leur

procurerons pas ce plaisir. Quand nous ferons de l'opposition, nous nous renfermerons dans les bornes de la légalité et de la constitution. Si pour plusieurs raisons il regrette que l'administration ait placé la discussion sur ce terrain (sic), il est néanmoins bien content qu'elle lui fournisse l'occasion de dire ce qu'il pense sur un sujet que l'on évoque trop souvent peut-être; il veut parler de la question de la connexion. L'on sait qu'il n'est pas homme à dire une chose qu'il ne pense pas. Eh! bien, il n'hésite pas à déclarer qu'il est de l'intérêt de l'Angleterre et des Canadiens-Français que cette connexion dure aussi longtemps que possible; que c'est son désir et celui de tous ses compatriotes; que c'est sur eux que le gouvernement anglais doit principalement se reposer pour la conservation de cette colonie; que l'attachement des Canadiens-français sera d'autant plus vif, qu'on respectera d'avantage leur langue, leurs droits, leurs institutions et leurs lois. Les sentiments qu'il vient d'exprimer sont non seulement les siens et ceux de ses amis qui siègent dans cette chambre, mais sont aussi les sentiments de tous les Canadiens-français.

Quant à l'administration actuelle, elle semble craindre ce qu'on appelle une opposition factieuse. Qu'elle se rassure. L'opposition qu'elle aura de notre part sera une opposition loyale et constitutionnelle. Nous savons trop par expérience personnelle, lorsque nous étions au ministère, ce que c'est qu'une opposition factieuse. Pour lui, il voudrait même que l'administration fut dans une majorité plus prononcée; elle n'en serait peut-être que plus honnête. Quoiqu'il (sic) en soit, il assure les honorables membres que, quoiqu'il ne possède pas la confiance de l'opposition qui compte la moitié des membres élus, ils auront néanmoins son appui pour leurs mesures, quand ces mesures seront bonnes; mais ils ne l'auront pas quand l'opposition les croira mauvaises. Lorsqu'il parle de confiance, il n'entend pas faire allusion à ceux des membres de l'administration qui représentent le Haut-Canada; car il ne peut nier qu'ils sont soutenus par une forte majorité des représentants de leur section de la province. Mais que ceux du Bas-Canada sachent qu'ils ne sont pas dans la même position que leurs collègues: qu'eux n'ont l'appui que d'une très faible minorité des membres du Bas-Canada; qu'ils n'ont pas la confiance du Bas-Canada; et que s'ils sont sincères dans leurs professions d'attachement au principe de responsabilité, ils doivent voir que si nous les laissons procéder aux affaires, ce n'est pour ainsi dire que par souffrance. Et l'honorable commissaire des terres l'a si bien senti que nous l'avons vu d'un ton suppliant s'adresser à nous et mendier notre appui.

Encore une fois, M. La Fontaine regrette d'avoir été forcé d'entrer dans une discussion qu'il était du devoir de l'administration d'éviter, et qu'elle aurait évitée si elle avait omis dans le discours d'ouverture les deux paragraphes en question. Même dans ce cas, la discussion aurait dû se borner à l'interrègne que l'administration, au lieu de défendre comme c'était son devoir de le faire, n'a fait que condamner par son silence.

Il est trop tard pour qu'il puisse relever tous les reproches injustes que l'hon. membre pour Leeds (M. Gowan) a fait à la dernière administration. Ils (sic) s'arrêtera à deux seulement, le cas de M. Berrie, greffier de la

paix destitué par lord Sydenham, et le cas de M. Murney destitué par sir Charles Bagot. Le premier a eu lieu sous une administration dont lui M. L n'était pas membre. Loin de lui la pensée de défendre lord Sydenham. Mais quand on cite des faits, on devrait les citer tels qu'ils se sont passés. M. Berrie n'a pas été destitué pour avoir actuellement voté à Hamilton contre le candidat ministériel; car un grand nombre d'officiers publics en ont fait autant à Toronto en 1841, et lord Sydenham ne les a pas destitués. M. Berrie a été destitué, d'après ce qu'il a compris dans le temps, en conséquence d'une lettre qu'il avait écrite et que lord Sydenham avait regardée comme impertinente. Cela ne concerne que lord Sydenham. M. La Fontaine dit que la destitution d'un officier public, à cause de son vote à une élection, serait un acte injuste et oppressif; que son vote lui appartient, non pas à cause de sa place, mais à cause de sa qualité d'électeur qui est indépendante de cette place. Toute ce qu'une administration serait en droit d'exiger de lui, c'est qu'il n'exerce pas l'influence que lui donne sa place à l'encontre d'un candidat ministériel; ce qui a eu lieu dans le cas de M. Murney et ce qui établit une différence bien marquée. Il termine en disant que tous ces reproches faits aux administrations passées s'appliquent également à l'hon. membre pour Mégantic (M. Daly) puisqu'il a fait partie de toutes ces administrations.⁶⁴

MR. DRUMMOND remarked that the hon. Attorney General had attacked the gentlemen on the opposite benches with a vehemence and a spirit which he had little expected. That was not the example which had been set by his hon. friend the member for the Fourth Riding of York. Indeed his (Mr. Drummond's) nerves had not yet recovered from the shock which the thunders of the hon. gentleman had occasioned him. He did not know whether his honble. friend the member for Quebec still existed; he hoped he did, and that he was still able to laugh - (Laughter.) He (Mr. Drummond) loved to hear, the cheerful, hearty, open laugh of his hon. friend, but the hon. Attorney General had told the House that the member for Quebec should laugh no more - (Laughter) - and why? Because he was ignorant of Constitutional Law - (Hear.) He had declared that the Constitution of England was an unwritten Constitution - (Hear, hear.) Was ever such ignorance manifested within the walls of Parliament - the Constitution of England an unwritten Constitution! No doubt the hon. Attorney General had read a lecture upon the Constitution of England for the benefit of young French Canadian members of the House. Now, if he was not mistaken, in a very common school book which he held in his hand - a book which had even found its way into the schools erected by the ignorant French Canadians - Paley's Political Philosophy - an authority, by the way, which even the Attorney General will admit - it was distinctly stated that the Constitution of England differs from other Constitutions, in that it was unwritten - (Cheers.) But the thunder of the honble. gentlemen had not fallen upon the hon. member for Quebec; it was only last evening that the hon. gentleman's colleague, the Commissioner of Crown Lands rose in his place, and asserted that the Constitution of England was an unwritten Constitution - and from that had drawn his arguments to prove that the position of Colonists was different from that of the inhabitants of the British Isles - (Hear, hear.) The hon. gentleman objected to the⁶⁵ Speech that it contained no declaration of principles; and a declaration of principles was that alone which would⁶⁶ satisfy the people. He ridiculed the pretensions of

those who now assumed to be the only true friends of Responsible Government; as they considered it in its infancy, he supposed they wished to have the bantling in their charge, that in its place they might substitute, a miserable, ricketty, monstrous abortion, from which the county would recoil in horror. He inferred that as the hon. gentlemen on the Treasury Benches had given no further explanation as to their views upon Responsible Government, than that contained in the Governor General's replies, they still retained His Excellency's definition, which he conceived to be an erroneous one. The people would demand a constitution such as that which England possessed, the chief glory of which was that it gave way to the pressure of the times, and adapted itself to every exigency. They would require of Ministers that the principle of Responsible Government should be fully carried out, and it was at least a source of satisfaction that the Opposition was sufficiently strong to force them to do so.⁶⁷

MR. DICKSON briefly expressed his views upon Responsible Government. He was in favor of the principle that the Governor General should consult his Council upon all matters; while he disapproved of the interregnum, yet from the explanations which had been given, he was perfectly satisfied that it was in a great measure unavoidable; and was not, therefore, prepared to vote for the amendment. He should support the Address moved by the Hon. Attorney General.⁶⁸

M. CHAUVEAU dit qu'il est surprenant que dans un débat aussi grave on se soit tant éloigné de la question. Beaucoup d'honorables membres ont parlé de toutes les choses imaginables et d'une foule d'autres ... excepté de l'adresse qu'il s'agit maintenant de discuter et de voter. On a fait l'histoire de toutes les élections, on a exhumé toutes sortes de vieux documens pour voir de quel côté s'était trouvé tel ou tel représentant dans telle ou telle discussion, chacun a fait le procès de son ennemi; cependant je ne crois pas me tromper si je dis que nous ne sommes pas tel uniquement pour scruter la vie passée des hommes publics, mais pour nous occuper de l'avenir du pays (Très-bien! à gauche) Oui M. l'Orateur, de l'avenir du pays, je crois que la prospérité future du Canada, est mise en jeu dans cette discussion. Je crois que nous devons tout faire pour rendre justice à un aussi grave sujet. Rien de plus facile, ce me semble, si l'on voulait se borner à examiner chacun des amendemens proposés, à le comparer avec la partie correspondante du projet d'adresse et à chercher en quoi il est meilleur ou moins bon.

Je ne dirai rien du premier amendement. Les mêmes raisons qui justifient le quatrième lui sont applicables. Le second amendement ne me semble comporter rien qui ne soit parfaitement juste. On nous suggère l'importance de faire certaines améliorations dans les townships de l'Est et dans les environs de Kingston. Nous répondons que ces deux localités seront l'objet de notre sollicitude lorsque nous nous occuperons des besoins matériels du reste de la province. Je sais bien par exemple ce que le gouvernement attend d'eux. Il compte beaucoup sur la loyauté et le dévouement de gens qui en politique ne voient que deux choses: de l'argent pour faire des chemins, et un chemin pour faire de l'argent. Mais ce n'est pas là un système que nous

devions encourager. C'est de la corruption locale, qui ne vaut pas mieux que la corruption individuelle. D'ailleurs il n'est pas correct de dire que les townships de l'Est aient toujours été négligé (sic), et quand à ce qui est de Kingston, s'il y a une ville qui mérite une indemnité pour avoir perdu le siège du gouvernement, ce n'est pas Kingston, la capitale d'un jour, c'est plutôt Québec, l'ancienne capitale de l'Amérique du Nord, la ville la plus importante et cependant la plus négligée de tout le pays. Aussi si Québec n'avait pas le malheur d'être représenté par deux hommes endurcis dans la politique de l'opposition, si Toronto n'était pas représenté par des hommes dont on est aussi certain dans un autre sens, je suis persuadé que ces deux villes auraient été mentionnées dans le discours d'ouverture; qu'on aurait promis à chacune d'elle sa part du gâteau. Mais si Kingston, Québec et Toronto avaient droit à une indemnité, pourquoi Bytown, qui a bien eu aussi ses espérances, pourquoi Prescott, Cornwall (sic), Brockville, pourquoi chaque petite ville et chaque petit village qui aurait rêvé un siège du gouvernement n'aurait-il pas ses réclamations? 69

Hilarité à gauche.⁷⁰

Je ((M. CHAUVEAU)) passe au troisième amendement. Si en nous abandonnant la liste civile on n'avait pas pris le soin de consacrer l'expédience de la violation que l'Acte d'Union faisait de notre droit le plus sacré, nous n'aurions eu qu'à faire écho à la nouvelle que nous a appris Son Excellence. Le moment d'une restitution pure et simple aurait été mal choisi pour se plaindre de l'usurpation. Mais on se félicite pour bien dire de l'abus en même temps que de la réparation qu'on nous promet, et le projet d'adresse va peut être encore plus loin dans ce sens que la harangue elle-même. C'est ce que nous ne pouvons admettre sans inconséquence pour le passé, sans danger pour l'avenir. Les événements politiques, dans ce pays, se succèdent avec beaucoup de rapidité et ne se ressemblent guères (sic), les chartes de ces colonies se refont souvent: et comme nous ignorons tout-à-fait ce qui nous est réservé, il n'est pas prudent de faire des admissions, dont on ne tarderait peut-être pas à tirer parti contre nous. Le langage de l'amendement est respectueux (sic), en même temps qu'il est digne de nous; il a pourvu aux égards et à la reconnaissance qu'on doit au souverain, tout aussi bien qu'aux droits du sujet; je ne vois pas pourquoi l'on s'oppose à son adoption.

La quatrième amendement a rapport au fameux interrègne; et c'est là, M. l'Orateur, qu'est le véritable champ de bataille. Il s'agit de savoir comment le pays, après avoir été pendant neuf mois, sans voir autour du gouverneur-général d'autre conseiller responsable que l'hon. membre pour Mégantic, va se prononcer sur l'étrange situation qu'on lui a imposée. Pour justifier cet état de choses, M. le solliciteur-général nous a cité l'exemple du duc de Wellington, qui dans l'absence de sir Robert Peel, avait tenu plusieurs portefeuilles. Il aurait pu nous citer l'exemple beaucoup plus récent de l'amiral Mackau, ministre de la marine, en France, qui fut fait, en même temps, ministre de la guerre pour signer, au sujet de l'école polytechnique (sic), une ordonnance que le maréchal Soult ne voulait pas signer lui-même. Mais je ne vois pas que l'un ou l'autre de

ces précédens s'applique à l'état de choses que nous avons eu ici. Je m'étonne surtout de la logique de M. le solliciteur-général, lorsqu'il nous dit que, parce que le duc de Wellington a pu garder plusieurs portefeuilles pendant quinze jours, un autre peut en faire autant pendant deux mois, six mois, neuf mois! Je ne suis pas prêt à admettre un tel principe: il nous mènerait trop loin. Je ne suis pas prêt à confondre l'état exceptionnel, avec l'état normal d'une constitution; je tiens au contraire que, dans tous les cas, l'exception confirme la règle. Autrement M. le solliciteur-général pourrait tout aussi bien nous dire que, parce qu'une personne peut rester évanouie quelques minutes, elle pourrait vivre dans cet état plusieurs années et afin de prendre pour terme de comparaison celui qui est le sujet même de ce débat; de ce que l'honorable membre pour Mégantic est resté muet sur bien des questions qui lui ont été faites ce soir, il s'en suivrait que cet honorable monsieur, pourrait, sans inconvéniens, perdre l'usage de la parole pour le reste de ses jours! (Ecoutez! écoutez!)

On nous a dit, M. l'Orateur, qu'en votant cet amendement nous donnerions un vote de non confiance au ministère actuel. D'abord la censure ne sera pas strictement parlant pour les ministres actuels, elle porte sur un des leurs qui avait eu le mérite de se cramponner (sic) au pouvoir dans des circonstances difficiles, et je ne crois pas que ce monsieur pousse maintenant la susceptibilité au point de lâcher prise pour si peu de chose. D'ailleurs lorsque le vote sera donné, si l'amendement est adopté, les messieurs de la trésorerie prendront la chose comme ils voudront. S'ils y voient un vote de non confiance, ils pourront assurément se le reprocher à eux-mêmes. Leur projet d'adresse va plus loin encore que le discours du trône sur ce sujet; il comporte un vote de confiance que nous ne pouvons leur donner et je vais dire pourquoi: je suis et je serai toujours le dernier à faire ici des distinctions entre Haut-Canadiens et Bas Canadiens. Cependant comme on a fait si souvent allusion à ces distinctions ce soir, et comme la double organisation que nous avons eu jusqu'à présent dans l'administration provinciale confirme cette distinction, je demanderai aux trois conseillers exécutifs qui sont ici et qui il est vrai sont tous trois élus par des comtés du Canada Est, s'ils croient en effet représenter cette partie de la province lorsqu'il n'y a que sept ou huit membres du Bas Canada qui siègent avec eux à la droite? Je demanderai ensuite aux membres du Haut-Canada, qui forment la très grande majorité de la droite s'ils se croient représentés par M. le solliciteur-général, qui n'est pas même conseiller exécutif, et qui est le seul membre pour le Haut-Canada qui siège sur le banc de la trésorerie? Je demanderai si une administration dans laquelle le Bas-Canada n'est représenté que par des hommes en qui il n'a pas confiance, si une administration qui n'a personne pour représenter le Haut Canada dans cette chambre, je demanderai si une telle administration ne donne pas dans l'absurde lorsqu'elle vient exiger de prime-abord un vote de confiance? (Très bien! très bien!).

Tout ce qu'une telle administration pouvait espérer, c'était ce que l'on appelle en Anglais un fair trial; c'était d'être jugée d'après ses actes. J'avoue qu'elle a été assez prudente; qu'elle n'a pas encore fait de ces grands coups-d'état qui font la bonne ou la mauvaise fortune d'un ministère. Mais s'il était possible de juger une administration d'après son inaction, d'après son inertie, d'après son impuissance, l'administration actuelle

serait déjà jugée et sévèrement jugée. C'est principalement depuis la formation du nouveau cabinet que les sociétés secrètes, une des plaies les plus hideuses de la société, ont fait leur apparition. Loin de les disperser et de les abattre on les encourage par un silence très expressif. Déjà à 1'heure qu'il est les conseillers exécutifs auraient dû se lever à leur place avec un projet de loi pour venger la morale publique, pour assurer la tranquillité de cette ville, dans laquelle les délibérations législatives n'ont pas lieu sans quelque danger pour ceux qui y prennent part. Eh bien! ils n'ont rien fait, ils paraissent ne rien vouloir faire! (Ecoutez! écoutez!) Et cette administration s'appelle l'administration paternelle par excellence! Mais c'est une dérision! Il y a une autre administration qui fut tout aussi paternelle; c'est l'administration de sir John Colborne, de brûlante mémoire. Alors, pour quiconque aimait les émotions politiques, il y avait une certaine chance de périr sur l'échafaud avec tous les honneurs de la chose; mais le citoyen paisible ne courrait pas à chaque instant le risque de tomber sous le poignard impuni d'un assassin. (Ecoutez! Ecoutez!)

Dusse-je passer pour un de ces ignorans Canadiens dont vous a parlé M. le solliciteur-général, je ne puis exprimer ma confiance dans une administration qui se conduit ainsi. Je ne puis non plus passer sous silence les remarques de M. le solliciteur-général, dans lesquelles il avait été devancé, je crois, par l'hon. membre pour le comté de Beauharnais (sic). On nous a dit gravement que nos constituants ne savaient pas ce qu'ils faisaient, que c'était nous-mêmes qui les guidions; que les collèges électoraux du Bas-Canada sont entre les mains de leurs représentans, ce que plusieurs honorables membres de l'autre côté sont peut-être eux-mêmes entre les mains de l'administration: de purs instrumens!⁷¹

M. COLVILLE se lève et nie avoir tenu le langage que M. Chauveau lui impute. Il représente, dit-il une comté composé en grande partie de Canadiens-Français, il se donnera bien de garde de dire qu'ils ne savent ce qu'ils font. Il avoue au contraire qu'ils sont très intelligents.⁷²

M. CHAUVEAU. - J'ai compris que l'hon. membre avait dit quelque chose de semblable, et je persiste à croire que l'on pourrait inférer de ses paroles ce que je viens de dire. D'ailleurs peu importe. Il suffit qu'une telle accusation soit venue des banquettes ministérielles, et c'est de ce côté surtout qu'on ne devait pas s'y attendre. Je dis que plus que tout autre je suis tenu à réfuter cette accusation; ou plutôt je pourrais m'en dispenser, j'en suis moi-même ici la réfutation vivante. Chacun a fait l'histoire de son élection, ça été la soirée aux élections, je ne vois pas pourquoi je ne ferais pas moi aussi l'histoire de la mienne. S'il était vrai que les comtés du Bas-Canada fussent des instruments entre les mains de leurs représentans, s'il était vrai que le peuple se laissât guider aveuglément par ceux en qui il a confiance, l'honorable monsieur qui représentait dans le parlement précédent le comté de Québec serait encore ici à son poste. Personne n'a joui dans ce pays d'une plus grande réputation politique. Cependant parce que le comté de Québec n'a pas approuvé son vote dans la dernière session, il m'a choisi moi, jeune homme inconnu, il m'a envoyé ici à la place du vétéran politique. Est-ce là s'attacher aux

hommes ou aux principes? Je demanderai encore quel homme était plus justement populaire, quel homme jouissait d'une réputation plus colossale que l'hon. président du conseil exécutif? Et je cherche en vain ce vénérable vieillard parmi nous! Il a été repoussé par deux des plus grands comtés du Bas-Canada. Encore une fois est-ce là s'attacher aux hommes ou aux principes? (Très-bien! très-bien!)

Le Bas-Canada a parfaitement compris la question. Il s'est demandé à lui-même, ce que voulait dire la dissolution du Parlement; il a compris que ce n'était pas, que ce ne pouvait pas être le procès d'une administration qui n'avait pas encore rencontré la chambre, il a vu que, malgré toutes les dénégations antérieures, c'était évidemment sur le principe même du gouvernement responsable qu'on en appelait à lui. Il a crû alors que rien ne devait être épargné pour soutenir ce grand principe. Oui, M. l'Orateur, si un jour les descendants des Anglais, qui émigrent vers cette partie du monde, sont gouvernés autrement que ne l'étaient leurs ancêtres dans la mère patrie, si la base du droit constitutionnel anglais doit être ébranlée dans ce pays, si les libertés de sujets anglais leur sont refusées, ce ne sera pas à nous, mais aux hommes de leur propre origine qu'ils devront s'en prendre. Oui, M. l'Orateur, les Canadiens-Français veulent conserver sur ces rives le langage harmonieux de leurs ancêtres, ils veulent conserver la sainte religion de leurs pères, ils veulent perpétuer dans ce beau pays, les moeurs pures et simples des héros qui l'ont peuplé; mais toutes ces grandes et nobles choses ils les placent sous la protection de la constitution britannique; c'est sous cette égide puissante, c'est sous ce drapeau glorieux devant lequel le monde entier s'incline qu'ils veulent conserver ce qu'ils ont de plus cher au monde!⁷³

Vifs applaudissemens à gauche.⁷⁴

((M. CHAUVEAU)) Ils veulent qu'en fait de gouvernement et de principes constitutionnels, cette colonie soit Britannique de fait comme de nom. (Très bien!) Ils veulent le gouvernement responsable tel que l'Angleterre nous l'a accordé; et pour ce qui est du petit gouvernement semi-patriarchal inventé par l'honorable membre pour le Comté d'Ottawa, pour ce qui est de ce fantôme du gouvernement responsable, ils le répudient de tout leur coeur. (Très bien!)

C'est en leur donnant une haute opinion de leurs théories nébuleuses que l'on a séduit les deux respectables vieillards Canadiens-Français qui sont au pouvoir: c'est en leur disant vous avez écrit une pamphlet admirable! vous seul parmi vos concitoyens comprenez le vrai Gouvernement Responsable, vous seul parmi eux êtes assez éclairés pour le comprendre! c'est en leur faisant honte de leurs compatriotes, qu'on est parvenu à les placer dans une position où ils courent risque à leur tour de faire honte à leurs compatriotes! Personne, M. l'Orateur ne savait mieux parler ce langage de syrène (sic) que l'ancien représentant de Beauharnais (sic), et c'est probablement pour l'imiter que son successeur a fait les mêmes louanges à l'honorable membre pour Ottawa.

Au sujet de cet honorable membre, le représentant du comté de Beauharnais (sic) a adressé à ce côté de la chambre quelques reproches, dont il se

souviendra j'espère, et qu'il ne niera pas. Il a fait allusion à la manière dont le vote de l'hon. membre pour le comté d'Ottawa, lors de votre élection, a été accueilli par ses compatriotes.⁷⁵

M. COLVILLE. - Certainement, j'y ai fait allusion.⁷⁶

M. CHAUVEAU. - Eh bien, M. l'orateur, je dis que si l'hon. membre pour Beauharnais (sic) n'a pas compris le sens et la portée des applaudissemens ironiques qui sont alors partis de ce côté de la chambre, l'hon. membre pour le comté d'Ottawa les a très bien compris, lui! Il a bien compris qu'il ne s'agissait pas d'exclusion politique, ni de lui imposer nos opinions par la force. Il a compris la chose, et c'est parce qu'il l'a comprise, qu'il est venu à l'ouverture de ces débats avec un avis de motion calculé pour lui faire presque autant de bien que son discours et ceux de ses amis lui ont fait de mal. Il a compris qu'il lui était permis sans s'attirer l'exécration de ses compatriotes d'abandonner leur politique, mais qu'il y avait une chose qu'il n'était jamais permis d'abandonner et de trahir. Et cette chose, souvenir du passé, espérance de l'avenir, cette chose qui précède toutes les institutions sociales et qui les résume toutes, cette chose, consolation du foyer domestique et gloire de la tribune publique, cette chose qui s'attache au cerveau et à la pensée alors même qu'on veut la chasser de sa bouche, cette chose, grande, sainte, inaliénable, c'est la langue des ancêtres qui doit être aussi celle des descendants!⁷⁷

Vifs applaudissemens à gauche.⁷⁸

((M. CHAUVEAU)) C'est parce qu'il a compris tout cela que l'hon. membre avec une habileté qui lui fait honneur, en même temps qu'il proposait un vote d'argent pour ceux dont la loyauté est bien solide, mais s'entretient encore mieux par de petits présens, en même temps qu'il proposait de l'argent pour le Haut-Canada, promettait au Bas-Canada de faire mettre dans les procédés législatifs la langue française sur un pied d'égalité avec la langue anglaise.

Voilà déjà, M. l'Orateur, un des bons effets de l'opposition. Sans être factieuse ni systématique, en veillant strictement sur la conduite du ministère, elle obtiendra plus peut-être que ses membres eux-mêmes ne pourraient obtenir s'ils étaient au pouvoir. Le gouvernement lui-même aura peut-être plus à s'applaudir des efforts consciencieux, qui seront faits, des conseils pleins d'indépendance, qui lui seront donnés par l'opposition, que de l'appui servile qu'il a reçu et qu'il recevra de l'autre côté de la chambre.⁷⁹

DR. NELSON. - Je ne puis laisser terminer cette discussion, sans exprimer mon indignation de la manière dont deux honorables membres ont jugé à propos de parler des Canadiens. Il m'est heureux de pouvoir repousser les calomnies ainsi lancées contre mes braves concitoyens; et il est d'autant plus heureux que je puis le faire dans leur belle langue, celle de mes commettans dont plusieurs sont présents.

L'hon. membre pour Beauharnais (sic) nous a dit qu'il était jeune et en années et en expérience; il n'a pas tardé à nous prouver qu'il était

jeune aussi dans sa connaissance du caractère canadien, car il a osé nous dire que l'hon. D. B. Viger avait été insulté dans le comté de Richelieu. Tout rapport de cette nature est fondé soit sur la prévention, soit sur de fausses données.⁸⁰

M. COLVILLE. - M. l'Orateur, si je comprends le français l'hon. membre m'appelle un menteur. (Cris à l'ordre!)⁸¹

DR. NELSON. - M. l'Orateur, je m'en rapporte à vous si je ne suis pas à l'ordre, et si je me suis servi des expressions que m'impute l'hon. membre pour Beauharnais (sic).⁸²

L'ORATEUR ((SIR ALLAN MACNAB)) ... dit quelques mots, après quoi le Dr. Nelson fut prié de continuer.⁸³

DR. NELSON. - M. l'Orateur, je prends ici l'occasion de dire que je serais très mortifié de blesser qui que ce soit, et que si je me rendais coupable de manque aux règles parlementaires, ce ne serait que dans la chaleur du débat.

Pour revenir à mon sujet, je maintiens qu'en accusant mes commettans d'avoir manqué d'égards envers l'hon. D.B. Viger, on les calommie honteusement. La politesse innée du Canadien le rend incapable de conduite inconvenante envers qui que ce soit, et encore moins envers l'homme distingué, l'homme aux cheveux blancs dont les antécédents, jusqu'à ces derniers mois, lui avaient gagné et l'estime et l'amour de tous les coeurs canadiens; mais, qui, ayant dévié de sa belle cause, abandonné des principes qu'il n'avait cessé d'inculquer, a pris une position tout opposée à sa vie passée, se sépara de ses nombreux amis, qui, tout en répudiant ses inspirations nouvelles, suivent encore ses anciens et sages conseils; en agissant de la sorte, ils s'acquittent d'un devoir noble et sacré que le pays et la postérité attendent d'eux. (Ecoutez!) Dans tout le comté de Richelieu il a été traité avec un profond respect; chacun a éprouvé un sentiment de douleur en se voyant obligé de condamner son étrange conduite. Mais en voici assez pour réfuter ce que l'hon. membre pour Beauharnais (sic) a avancé.

Quant à l'allégation de l'hon. solliciteur-général ouest, je puis lui dire avec orgueil que mes constituants et les Canadiens en général entendent parfaitement la question du gouvernement responsable.⁸⁴

SOL. GEN. ((HENRY)) SHERWOOD. - M. l'Orateur, j'ai entendu l'honorable membre mentionner mon nom; je serais flatté qu'il m'attaquât dans la langue que lui et moi connaissons mieux que celle dans laquelle il adresse maintenant cette chambre.⁸⁵

Le DR. NELSON. - Je n'attaque pas l'honorable membre. Les Canadiens vous expliqueront ce gouvernement comme suit: - Le gouvernement responsable consiste en ceci: nous choisissons nos représentants, et le gouverneur doit prendre ses conseillers parmi eux; les membres doivent veiller (sic) la conduite de ces conseillers, et les condamner s'ils manquent à leurs principes et négligent nos intérêts: si-non, à la prochaine élection

nous les mettrons tous à la porte, pour en choisir de plus fidèles. (Ecoutez! écoutez) Dira-t-on maintenant que les Bas-Canadiens ignorent la nature du gouvernement d'après lequel ils veulent-être régis? (Ecoutez). M. l'Orateur, les Canadiens ne sont pas comme certains électeurs du Haut-Canada, qui paraîtraient se laisser mener par les moyens les plus malhonnêtes, les plus invraisemblables, pour ne pas dire les plus honteux et les plus absurdes. Par exemple, on nous rapporte que dans plus d'une localité on a remporté les élections en s'adressant aux préjugés les plus déshonorants de l'homme. Il est dit que des membres libéraux, voulaient-être d'une trop grande libéralité, sont accusés d'avoir voulu accorder des privilèges à des dénominations religieuses apparemment nouvelles, à des "raccommodeurs de vieilles chaudières (Tunkers)" à des "barbiers" (shavers.) à des "Trembleurs" (Shakers), et je ne saurais vous dire à quelles autres sectes absurdes. Je puis assurer les hon. membres du Haut-Canada, que ce n'est pas ainsi que l'on gagne les Bas-Canadiens, il faut parler à leur raison et à leur bon sens, et non à leurs préjugés ou à leurs passions. (Ecoutez). En vérité, c'est une belle méthode de vouloir cimenter l'union entre les deux Canadas, et d'établir l'harmonie entre les origines, que de calomnier d'une manière aussi atroce une des parties, (écoutez). Quant à moi M. l'orateur, je ne permettrai à aucun honorable membre d'insulter le caractère des braves gens, que je suis fier de représenter et de défendre en cette honorable chambre. Mon seul regret est de ne pouvoir remplir cette tâche plus dignement, (écoutez).

La manière dont l'élection de mon comté s'est faite, lui est un honneur impérissable. Les électeurs se sont montrés incorruptibles; la fermeté qu'ils ont manifestée n'a pu être ébranlée pas même par les cheveux blancs de leur honorable ex-membre, que je désirerais encore regarder comme ami, et que je respecterais toujours pour sa vie passée. (Ecoutez). Mais il n'était pas honorable ni généreux de la part de ce vénérable monsieur, de m'accuser d'être la cause des troubles de 1837: et pis encore, de pousser plus loin son accusation en prétendant que je veux renouveler (sic) ces tristes événements, que personne déplore plus que moi, et en conséquence desquels personne n'a plus souffert. Oui, M. l'orateur, c'est l'honorable D.B. Viger qui veut faire retomber sur ma tête toute la responsabilité de ces malheureuses scènes, moi dont la vie, jusques là, n'avait été dévouée qu'à des affaires privées, et dont l'influence ne s'étendait guère au delà de mon voisinage. Ne serait-il pas plus juste, plus naturel, plus vraisemblable que ce même hon. monsieur portât le poids de cette responsabilité, lui, qui pendant 50 ans, a été notre guide politique? C'est lui qui a lancé la barque politique sur une mer orageuse, et lorsque nous voguions aux grès de la tempête, frappés par la foudre et battus de la vague, il nous a lâchement abandonnés, (écoutez). Tout aurait été perdu, fors l'honneur, si une poignée de braves avec lesquels j'eus l'honneur d'être, ne l'eût sauvé du naufrage, (écoutez). Je ne puis M. l'orateur, me permettre autant de remarques sur ces fâcheux événements que si, l'hon. et vénérable D.B. Viger, était dans cette chambre; car alors, je lui répéterais ce que je lui ai dit à St. Ours, et je serais moins gêné.

Eh bien! monsieur, malgré tous les antécédents de ce vénérable homme; malgré qu'il ait invoqué les cendres de ses ayeux dont la mémoire est

des plus respectée et vénérée; malgré qu'il ait prodigué toute sorte de promesses, comme premier ministre: malgré qu'il ait dépensé de fortes sommes; malgré qu'il ait été de paroisse, de porte en porte; malgré son séjour de plusieurs semaines dans ce comté; malgré toutes ses harangues; malgré tous les moyens d'une nature peu honorable pris par quelques uns de ses amis; malgré tout cela, dis-je, ces ignorants-Canadiens, ces hommes qui se "laissent mener par le nez", ces mêmes gens ont préféré pour représentant un homme déchu de tout, sauf du caractère; un homme ruiné, sans aucun patronage, dont ils ne peuvent attendre autre chose qu'un parfait dévouement à leurs droits et à leurs intérêts, mais dont ils connaissent les antécédens. (Exoutez! Ecoutez!) Oui, monsieur l'orateur, ces bigots de Canadiens, ont préféré un protestant; ces gens que l'on prétend être les ennemis de tout ce qui est Breton, ont choisi un Anglais de sang, l'humble individu qui se fera toujours un devoir sacré d'être fidèle à ses principes, fidèle à ses promesses, et fidèle aux braves et généreux commettans qui lui ont confié la sauve-garde et la défense de leurs privilèges et de tout ce qui leur est cher comme citoyens. Que je mentionne un fait qui fera ressortir dans tout son éclat, le beau caractère de mes constituants. A St. Denis, où j'ai passé les plus beaux et les plus heureux jours de ma vie, à St. Denis où reposent les cendres tant invoquées des ayeux de M. Viger, à St. Denis où les fléaux de '37 se sont fait le plus sentir, c'est là que j'ai eu 229 voix tandis que mon vénérable adversaire n'en a compté que 14. (Ecoutez.) Oui, je suis récompensé de mes pertes et de mes souffrances; ce témoignage est aussi honorable à mes braves commettans et amis qu'il m'est consolateur et doux. Ma réputation comme homme publique, on a voulu la ternir, mon caractère privé, on a voulu mais on n'a pu l'attaquer, jusqu'à ma réputation d'homme de l'art, ce qui seul me reste pour faire vivre ma famille, on l'a dernièrement assaillie; mais tout fut sans effet auprès de ces mêmes ignorants-Canadiens qui jugent des hommes d'après leur mérite et leurs principes.

M. l'orateur, je sens parfaitement la nature de ma position; et je crois qu'il est de mon devoir de dire ici que la candidature de plusieurs comtés me fut offerte, que je refusai cependant; car il ne m'appartenait pas, vu mon âge et les circonstances, de prendre une part active dans la politique. Mais lorsque tout un comté m'appelaient (sic) à son service, devais-je reculer? Devais-je être assez ingrat que de demeurer sourd à sa puissante voix, quand ce fut au milieu de ses habitants que j'amassai la petite fortune que l'on m'a ravie? Non, monsieur, quoique les années me pèsent, je puis encore servir ma patrie et jamais je ne me refuserai à ses demandes. Quant à l'état de destitution dans lequel je me trouve aujourd'hui, je ne le regrette point; et comme dit Goldsmith:-

"Man wants but little here below, nor wants that little long"

Monsieur l'orateur, les troubles de 1837 auxquels le frère de l'hon. membre pour l'Ottawa a pris une part si active, et dont on me porte la monstrueuse accusation d'être seul la cause, ne surviendront plus; les Canadiens, dorénavant, jugeront pour eux-mêmes: il ne sera plus laissé à une ou à plusieurs familles de conduire le pays à leurs gré. (Ecoutez!)

J'ai beaucoup de plaisir à féliciter l'hon. membre pour Champlain sur son vote en faveur de mon ami distingué, l'hon. membre pour Bellechasse.

L'hon. membre, en retournant asein de sa famille, peut dire à son épouse et à ses enfants: Je n'ai point répudié votre langue, la langue de nos pères; non, j'ai résisté à toute tentative; je n'ai pas voulu me faire apostat; je n'ai pas voulu me couvrir de honte." -- Oui, bien que l'hon. membre ne soit pas de ce côté de la chambre, je le respecte comme Canadien, fidèle au moins à tout ce qui est cher à un peuple, sa langue. (Ecoutez!)

La position de l'hon. membre de l'Ottawa, n'est pas digne d'envie; il ne peut pas parler comme son voisin; il sera obligé de porter tous les reproches si bien mérités par son apostasie, et lorsqu'il se retirera dans la vie privée, flétri dans l'opinion de tout le pays, £800 à £1000 seraient un faible contrebalance en opposition à tant de honte.

Personne ne respecte plus que moi un homme fidèle à ses principes quand bien même il me serait fortement opposé. Quand une personne change de politique par conviction, je l'honore. Nous avons eu tout récemment une instance de vigueur de caractère, de grandeur d'âme et d'intégrité de sentiments, qui a élevé la personne dans l'estime de tout homme honnête. Par des promesses, par des flatteries, par des menaces même, on a voulu faire changer un homme à tous égards honorable; on a voulu le forcer de taire ses convictions, ne pouvant réussir on a fini par lui dire; -- Eh bien! il vous faut laisser la place que vous tenez de nous, ou il vous faut vaquer votre siège dans la représentation du pays." Force lui fut, à ce digne homme, de résigner un siège qu'il a rempli avec habileté et à l'honneur de cette ville. Il a eu le courage moral dont on rencontre trop rarement des exemples, de dire qu'il avait eu tort, qu'il avait méconnu la véritable position des Canadiens. Il a rempli un des nobles sentiments d'un des plus grands enfans de la France: -- "Un j'ai-tort vaut mieux que mille répliques ingénieuses." (Ecoutez). L'honorable membre pour l'Ottawa, a-t-il agi de la sorte? Non, non: il est content de prendre sa belle place et les £800 à £1000, et s'est assis à côté de ses nouveaux confrères. On le voit, sur ses vieux jours, répudier la langue la plus belle de l'Europe, celle des héros, des poètes, des philosophes et des historiens -- langue que j'ai le malheur de ne posséder que par la pratique seulement. (Ecoutez).

L'heure de la nuit est trop avancée pour que je considère au long les amendements à l'adresse en réponse au discours de Son Excellence; c'ailleurs, nombre de mes amis ont rendu ample justice à ce sujet important; et dans le langage de Shakspeare (sic), en retouchant la question, ce ne serait que répéter:

"A thrice told tale, that vexes the dull ear of a drowsy man."

Je ferai cependant allusion à une des accusations portées par l'hon. procureur-général, contre les ex-ministres et contre la vaste majorité des Bas-Canadiens: accusation que mes vénérables amis de Terrebonne et de Portneuf, ont passée sous silence. M. le procureur-général dit que l'on n'a fait mention de l'interrègne que depuis la défaite aux élections. Je nie la vérité de cette remarque, car c'était un des plus braves reproches portés contre l'honorable et vénérable M. Viger, par ses anciens constituants, ces pauvres "ignorants Canadiens." Ils lui ont toujours reproché d'avoir été la cause de ce que ce pays fut gouverné sans aviseurs responsables (Ecoutez!) Si le savant procureur-général lit les journaux libéraux, chose que je doute fort, il aura vu que c'est là un des plus amers

reproches qu'on faisait à l'homme qui avait entraîné un ordre de choses inconcevable qui régnait depuis près d'une année.

M. l'orateur, je ne puis reprendre mon siège, sans m'adresser d'une manière toute spéciale à M. le procureur-général, à propos des riots (sic) récents. On n'a pas trouvé à redire à ce qu'il ait envoyé des troupes sur le canal de la Chine, pour s'emparer des armes entre les mains des Irlandais; le nombre de fusils était grand et il était peut-être prudent de les enlever pour le moment, bien que je sois très loin de penser que nos amis voulaient en faire un usage illicite. Mais M. le procureur-général remplit la parabole des écritures: "il voit la paille dans l'oeil de son voisin, mais il ne s'aperçoit (sic) pas de la poutre qui se trouve dans le sien." Non, non, son regard perçant découvre bien ce que font les uns, sans qu'il ne voit ce dont les autres se rendent coupables. Il ne peut pas ignorer l'existence de sociétés secrètes dans cette ville. (Ecoutez!) Il sait fort bien la nature de leurs armements, et n'ignore pas que des gens vont armés dans les rues, le jour et la nuit, et il n'a pris aucune démarche pour arrêter de semblables procédés. Personne n'est assurée sur sa vie par le temps qui court, et faut-il que les horreurs qui ont déshonoré notre ville soient à l'ordre du jour, et que nous soyons exposés aux coups du poignard de l'assassin.⁸⁶

Oh! du DR. DUNLOP; cris: à l'ordre!⁸⁷

((M. NELSON a continué:)) M. l'orateur, je m'en rapporte encore à vous, pour décider si je ne suis pas à l'ordre; je ne m'en tiendrai qu'à votre décision.⁸⁸

Le DR. DUNLOP ... était fâché d'avoir interrompu le Dr. Nelson, qui fut prié de continuer.⁸⁹

Le DR. NELSON. - J'ai commencé bien jeune, bien trop jeune, l'étude de ma profession; depuis l'âge de treize ans je suis familier avec les maux et les misères qui assiègent la vie de l'homme, et cependant mon coeur n'est pas endurci à ces tableaux de tristesse; il n'a été rarement plus navré de douleur que l'autre jour, lorsque je fus appelé auprès d'un pauvre petit enfant agé de deux à trois ans, dont le front avait été fendu dans une des horribles rixes qui ont ensanglanté nos pavés. J'ai vu les larmes et la destitution des veuves et des orphelins, j'ai entendu leurs cris de douleur et leurs sanglots, mais jamais je ne fus plus touché qu'en cette occasion. Il est grandement temps que ces atrocités cessent, car l'humanité n'est-elle pas assez assujétie (sic) d'elle même fléaux, sans que le catalogue terrible n'en soit augmenté pas la mal-administration du gouvernement. (Ecoutez, écoutez.)

M. l'Orateur, si M. le Proc. Génl. veut me le permettre, je pourrais lui donner des information qui lui seraient utiles, s'il se sent disposé à rétablir la paix parmi nous.

En résumé, M. l'Orateur, permettez moi de dire que je supporterai les

amendements à l'adresse en réponse au discours du trône de toutes mes forces et de mon vote. (Ecoutez, écoutez).⁹⁰

MR. SCOTT and MR. WATTS subsequently addressed the House, expressing their intention to support the Address - the latter introducing some remarks directed against the Provincial Secretary.⁹¹

MR. BALDWIN ... discussed the patronage question in all its points. He denied altogether the charge made by the other side. His views often expressed both when in office and out of office, were that the country should be governed by a party though (sic) a party but for the country, for the general interests of the people. - While he said this, however, he at the same time declared that in appointing to office if he found two parties equally qualified, he would most assuredly give it to the one supporting the measures and policy of the Government in preference to one opposed to it, and he felt assured that hon. gentlemen opposite would adopt no other rule. A great deal had been said with regard to English precedent. He (Mr. B.) would prove to them what English practice is, and that from high authority, viz., Lord John Russell's Essay on the Constitution. Here the hon. member read the following extracts, during which he was repeatedly cheered by his friends.

"Offices in the post office, the stamp office, and the customs especially, are made part of the patronage of members of parliament voting in favour of government. So likewise are the offices of receiver general in counties, and so likewise (sic) are frequently the higher offices of commissioners of excise and customs. But even the patronage of the smaller offices, though the exercise of it may give little satisfaction to the minister or the member of parliament, who may be sometimes heard to declare, that they would be quit of it, is a powerful means of persuasion with that numerous class of men, who prefer a favour from government to any other means of earning their bread.

The minister, seeing his advantage, has of late years more completely organized and adapted this kind of patronage to the purpose of parliamentary influence. When an office in the stamp or post office is vacant, the treasury write to the member for the county or borough acting with government, and ask for his recommendation. Many applications of course are made to him by his constituents, and by him to the first lord of the treasury. Let it be observed in candour, however, that it is not to be supposed that gentlemen of independent fortune barter their consciences for the miserable consideration of this small patronage.

We have now ambassadors at Paris, Brussels, Petersburg, and Vienna, at £12,000. a year; a minister at Berlin, at £7000; in America, at £6,000., (exceeding the salary of the president of the United States,) and several smaller images of the sovereign dotted over the small courts of Germany, at 4 and £5,000. a year. These are very valuable offices and give great influence to the minister. But those which are of more immediate use to him are the places connected with the government at home. About eighty members holding these favours from the crown, and receiving salaries amounting to £160,000., have seats in the House of Commons, where they are found

to be among the most assiduous in their attendance, and the least open to conviction of any members of the house. Indeed, it is considered, that as long as they hold these places they are bound to agree with the minister; and a lord of the bed-chamber was deprived of his place only last year, 1821, for a vote in favour of the repeal of the malt tax, against the desire of the minister. - The choice to be sure, always rests with the holder of the office; and the minister may justly and fairly say, that he will not confer offices in his gift upon men who have no confidence in his measures. But the liberty of quitting a lucrative office, singly and unsupported, is one that is rarely exercised, and conscience is seldom hardhearted enough to ruin a man for her sake. It were therefore to be wished, that as few occasions as possible should be created of reducing men to a choice between their interest and their duty. For this purpose it is desirable, that the holders of offices not immediately connected with the administration, and whose presence is not required in the House of Commons, should be disabled from sitting in parliament. This is the language of morality of the constitution, and of the law."

Now said Mr. Baldwin this is going far, very far beyond what has ever been claimed in this province.

After his remarks on English patronage Mr. Baldwin referred to that in Canada. He pointed out the exclusive policy of the former Tory Governments, and referred to the well known cases of Mr. Fothergill, Mr. Ridout, Mr. Small, the late Chief Justice Powell, and Mr. Baby to prove that persons were required in those times to support the Government. As to Mr. Murney's case which the hon. and learned gentleman did not touch on, nothing could be clearer and Mr. Gowan would find it hard to quote an instance in which a gentleman similarly situated had opposed a Cabinet minister in England.

Mr. Baldwin dwelt at some length on the mode in which the present ministers had exercised their patronage. There was the celebrated Dr. Ryerson who was if report said true at one time just about to come out publicly in support of the ex-ministers, and had actually expressed himself strongly in their favour in private. He was touched with the "magic wand" and became the champion of the Head of the Government and mark his reward! Another gentleman a Presbyterian Minister who had been removed from his congregation and against whom no charge had ever been made to his (Mr. B.'s) knowledge was removed to make way for him and appointed to a Professorship in King's College for which he was notoriously unfit.⁹²

Hear, hear and that is quite true from MR. ROBINSON.⁹³

((MR. BALDWIN)) would not hesitate to pronounce these appointments gross jobs and the hon. gentlemen opposite need not think that they had heard the last of them. His hon. friend Mr. Aylwin had referred to cases in L.C. (the appointments of connections of the Vigers and Papineaus) which indicated something very like the existence of a "Family Compact." ... ((Mr. Baldwin then commented on the appointment of Mr. Freeman.))

"You tell us," said the hon. gentleman, "that this Reform Association prevented you from forming a ministry - that it intimidated and threatened and interposed 'obstacles' to the completion of the administration, which

you admit ought if possible to have been formed; and yet in the face of the country you select a Secretary of that very Association as a proper person to receive the favours and countenance of the Crown.⁹⁴

Hear, hear from the Tories on the Treasury benches.⁹⁵

MR. BALDWIN next repelled the charge of exclusive patronage on the part of the Ex-ministers. He mentioned the cases of Mr. Stanton, Mr. Davidson, Mr. Moberly in Simcoe, who, as his hon. friend the member for Simcoe well knew, was a political opponent of theirs. There was also the case of Mr. Fitzgibbon at Belleville. And as to appointments in the magistracy, and militia, said Mr. B., I have always, in office and out of office, contended that they should be filled from the ranks of all parties. We acted strictly on that principle, and if in some cases we appointed more friends than opponents, it arose solely from the fact that the former commissions consisted almost exclusively of our opponents. On the charge of newspaper proscription, Mr. Baldwin explained that they had not gone as far as he was prepared to assert they would have been justified in doing. Although he said it was doubtful whether it might not be better to advertise only in the Official Gazette and let the newspapers copy from that paper for the information of their readers, still while the law required that there should be advertisements in some public papers, he freely declared that he thought the journals supporting the Government should have the preference; and, said the hon. gentleman, such is the course pursued by the present administration.⁹⁶

No, no, from MR. GOWAN.⁹⁷

Yes, yes, said MR. B((ALDWIN)), - I refer the hon. gentleman to the case of the Minerve, the most widely circulated French paper in this city, from which the advertisements have been removed to the Aurore, the pet paper of Mr. Viger. ...

Mr. Baldwin here alluded to the charge that had been made, to his astonishment, in the House, that a Mrs. Powell had been refused a pension because she was a loyalist. It had been most falsely asserted by the Tory press that an hon. friend of his who had a seat in another branch of the Legislature (Mr. Sullivan) had stated this, but although repeatedly contradicted, the charge was still made. It was utterly false, and he (M. B.) hoped never to hear it again within this House.⁹⁸

(20)

And the question being put upon the motion of amendment, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Armstrong, Aitkin, Baldwin, Berthelot, Bertrand, Bastillier, Cameron, Cauchon, Charot, Chapman, Christie, Desautier, Delibit, Emmord, Franchère, Jobin, Lacoste, Lefort, Le, Lefter, Laurin, LeMoine, Leslie, MacDonald of GLENGARRY, Macdonell, of STORMONT, Méthot, Morin, Nelson, Powell, Price,

Roblin, Rousseau, Small, Smith of WENTWORTH, Taché, Taschereau, and Thompson.--(36.)

NAYS.

Boulton, Brooks, Chalmers, Colville, Cummings, Daly, DeBleury, Dickson, Duggan, Dunlop, Ermatinger, Foster, Iowan, Greive, Guillet, Hale, Hall, Jessup, Johnston, Lawrason, Macdonald of CORNWALL, Macdonald of KINGSTON, Macdonell of DUNDAS, McConnell, Meyers, Moffatt, Murney, Papineau, Petrie, Riddell, Robinson, Scott, Seymour, Sherwood of BROCKVILLE, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Stewart of BYTOWN, Stewart of PRESCOTT, Watts, Webster and Williams --(42)

So it was passed in the negative.

The Honourable Mr. Baldwin then moved in amendment, seconded by Mr. Price.

That that part of the original motion beginning with the words, "That the attention of this House will be devoted to the Municipal Institutions of the Province," and ending with the words, "and these subjects will receive that attention which their importance demands," be expunged, and the following inserted in lieu thereof:--

"That the attention of this House will be devoted to the Municipal Institutions of the Province, as well as to the state of the Prisons, and the want of Lunatic Asylums; that the Petition of the Eastern Townships of Lower Canada, and that of the Inland territory between the town of Kingston and the river Ottawa, in Upper Canada, will not fail to obtain our most serious attention, while we consider the subject of ameliorating the means of communication in the Province at large, so as to promote its general prosperity and advancement."

The question being put upon the said motion of amendment, a division ensued, and the names being called for, they were taken down as in the last preceding division.

So it passed in the negative.

The Honourable Mr. Baldwin then moved, in amendment, seconded by Mr. Christie, That that part of the original motion beginning with the words "That this House learn with the most profound satisfaction, that Her Majesty," and ending with the words "will meet with that ready attention which its Constitutional importance demands" be expunged, and the following inserted in lieu thereof:--

"To assure His Excellency that we are deeply grateful to Her Majesty for Her gracious reception of the Address of the House of Assembly of last Parliament, on the subject of the Civil List; but that while we are willing

to receive the assurance of His Excellency, that the only objects of the Imperial Parliament in making provision for a Civil List, which is to found in the Act of Union, were to give stability and security to the great Civil Institutions of the Province; to provide for the adequate remuneration of able and efficient Officers in the various Public Departments, and to enable Her Majesty to make moderate provision for the declining years of those whose best days had been devoted to a faithful discharge of public duties, or who by eminent services might have merited the favour of the Crown; this House, irrespective of the supposed exigency which at that peculiar juncture may have led to such intervention of the Supreme Authority of the Empire, must always regard as unconstitutional the appropriation of any moneys levied upon the subject, without the free consent of their Representatives in Provincial Parliament. But that nevertheless, His Excellency may rest assured of the anxious desire of Her Majesty's faithful Canadian Commons, to see this question constitutionally disposed of by Act of the Provincial Parliament, making such an adequate provision, by way of Civil List, charged on the consolidated Revenue Fund of the Province, as may at once be agreeable to Her Majesty, and satisfactory to Her faithful Canadian people."

The question being put upon the said motion of amendment, a division ensued, and the names being called for, they were taken down, as in the last preceding division.

So it passed in the negative.

The Honourable Mr. Baldwin then moved, in amendment, seconded by Mr. Macdonald of Glengarry, That that part of the original motion beginning with the words, "That this House fully confides in the declaration of His Excellency that he will continue," and ending with the words "should have intervened to delay the accomplishment of this Constitutional purpose," be expunged, and the following inserted in lieu thereof:

"That this House, understanding in its broadest sense the expressions of His Excellency's intention to administer the charge entrusted to him by our Most Gracious Sovereign, according to the acknowledged principles of our Provincial Constitution, receive with satisfaction this assurance of adherence to Constitutional principle, while they feel bound to declare that the attempt which His Excellency was advised to make to carry on the Government for months together, and that during a prorogation of Parliament, with but one person occupying the high and important position of Head of a Department, was wholly inconsistent with the spirit of the Constitution, and at once injurious to the interests of the Crown, and dangerous to the liberties of the people. And to represent to His Excellency, that while even short delays in filling vacancies in any of the great Provincial Offices of State, the holders of which constitute that Provincial Administration, must ever be looked upon as a subject of deep regret, --the advising the Representative of the Sovereign upon the total disruption of an Administration in the midst of a Session of Parliament, to

(21)

proceed to a prorogation, without having completed the necessary arrangements for forming another Ministry, and to continue to exercise the functions of Government, without either the formation of a new Administration or the calling upon Parliament as the great Council of the Province for advice and assistance, was at total variance with the recognized principle of the Constitution, as leading, when acted upon, to what, in the opinion of this House, amounts to a virtual suspension of that Constitution."

The question being put on the said motion of amendment, a division ensued, and the names being called for, they were taken down as in the last preceding division.

So it passed in the negative.

The question being then put on the main motion, the House divided thereon, and the names being called for, they were taken down as followeth:--

YEAS.

Boulton, Brooks, Chalmers, Colvile, Cummings, Daly, DeBleury, Dickson, Duggan, Dunlop, Ermatinger, Foster, Gowan, Greive, Guillet, Hale, Hall, Jessup, Johnston, Lawrason, Macdonald of CORNWALL, Macdonald of KINGSTON, Macdonnell of DUNDAS, McConnell, Meyers, Moffatt, Murney, Papineau, Petrie, Riddell, Robinson, Scott, Seymour, Sherwood of BROCKVILLE, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Stewart of BYTOWN, Stewart of PRESCOTT, Watts, Webster and Williams.--(42.)

NAYS.

Armstrong, Aylwin, Baldwin, Berthelot, Bertrand, Boutillier, Cameron, Causton, Chabot, Chauveau, Christie, Désauter, DeWitt, Drummond, Franchère, Joinin, Lacoste, Lafontaine, Lantier, Laurin, LeMoine, Leslie, Macdonald of GLENGARRY, Macdonell of STORMONT, Méthot, Morin, Nelson, Powell, Price, Roblin, Rousseau, Small, Smith of WENTWORTH, Taché, Taschereau, and Thompson.--(36.)

So it was carried in the affirmative, and

Address in
answer to
Speech.

Resolved, That an humble Address be presented to His Excellency, the Governor General, to thank His Excellency for His gracious Speech from the Throne, and to assure His Excellency,

That this House is gratified that an early period has been selected by His Excellency, the Governor General, for meeting the Parliament, at a season so convenient to the Members personally, for the discharge of the important functions devolving upon them.

That this House, in common with the other subjects of our Gracious Queen, throughout her vast dominions in every quarter of the Globe, rejoice at the auspicious birth of another member of the Royal Family, and humbly express their gratitude to the Almighty Giver of all Good, for the continued safety and health of our beloved Sovereign.

That the earnest consideration of this House will be devoted to all subjects before them concerning the welfare of the Province. They recognize the improvement of the education of the People as one of their most urgent duties, and it will be a matter of the most profound gratification to them if such arrangements can be devised respecting the University of King's College, as will receive the sanction of the Crown, and give general satisfaction in the Colony.

That the attention of this House will be devoted to the Municipal Institutions of the Province, as well as to the state of the Prisons, and the want of Lunatic Asylums in Lower Canada, and also to the amelioration of the means of communication throughout this Province, so essential to its prosperity. That this House regrets the peculiar destitution of the Eastern Townships of Lower Canada in this particular; and that the town of Kingston, in Upper Canada, which, by means of the removal of the Seat of Government, has unavoidably suffered much, should be devoid of a Road through the Inland Territory, towards the Ottawa, essentially necessary to its prosperity; and these subjects will receive that attention which their importance demands.

That this House will avail itself of the earliest opportunity of taking into consideration the state of the Militia Law in both sections of the Province, with a view to the framing of such a measure as may give efficiency to that arm of public defence in both sections of the Province.

That this House is gratified to learn that the state of the Revenue affords a fit subject of congratulation, and they will be happy to co-operate in any measure of legislation and economy calculated to promote its further improvement.

That this House learn with the most profound satisfaction that Her Majesty has graciously received the address of the last Parliament on the subject of the Civil List. That, sensible of the only objects which could have induced the Imperial Parliament to make provision for a Civil List in this Province, and of the peculiar exigency which required such a course, this House nevertheless rejoices in the assurance of Her Majesty's confidence in the concurrence of Her Majesty's faithful subjects in Canada for effecting the same purposes, and gratefully acknowledges Her Majesty's desire, to owe the means of obtaining them to the spontaneous liberality of Her Canadian people. That this House will therefore devote its earnest attention to the exercise of that most undoubted and important of its constitutional rights and duties; the granting to the Crown of a Civil List;--

and they have the fullest confidence that the recommendation of Her Majesty to the Imperial Parliament founded upon such a grant, to repeal so much of the Act of Union as relates to this subject, will meet with that ready attention which its constitutional importance demands.

That the financial accounts and estimates for the Public Service, will receive due attention, when laid before this House; and they are happy to learn, notwithstanding the unavoidable expense attendant on the removal of the Seat of Government from Kingston to Montreal, and the claims to be submitted for their consideration, a considerable surplus revenue will remain for future disposition.

That this House will make proper provision for the exigencies of the Public Service, and are gratified at His Excellency's assurance that he will use his exertions to diminish expenditure by all practicable economy. It is a source of the greatest satisfaction to learn that His Excellency will continue to pursue the same course, whenever reduction appears to be consistent with efficiency.

That this House concurs with His Excellency in desiring that the welfare of United Canada may be promoted by the joint labour of all the branches of the Legislature. That the earnest efforts of this House will be devoted to such measures as may in their judgment be calculated to secure peace and prosperity, justice and happiness to this Province.

That this House fully confides in the declaration of His Excellency, that he will continue to administer the charge entrusted to him, by Our Most Gracious Sovereign, according to the acknowledged principles of Our Provincial Constitution, and with a view to the wants and wishes of the community. And this House learns with exceeding satisfaction, that on the occurrence of vacancies in several of the most important offices of the administration, immediate efforts were made by His Excellency to fill them by gentlemen supposed to possess the confidence of the people. While they rejoice at the assurance of His Excellency's incessant exertions to supply these vacancies, they nevertheless regret to learn that obstacles should have intervened to delay the accomplishment of this constitutional purpose.

(22)

That this House, in the full exercise of its constitutional powers, will earnestly endeavour to maintain the harmony with the other branches of the Legislature essential to the well-being of the people, for whose benefit alone these powers are conferred, and in devoting themselves to the discharge of their important duties, unite with His Excellency in a humble hope, that the Almighty will bless their endeavours, and render them efficacious for the public good.

Resolved, That the said Resolution be referred to a Select Committee, composed of Mr. Macdonald of Cornwall, Mr. Murney and Mr. Boulton,

to prepare and report the draught of an Address in answer to the Speech of His Excellency, the Governor General, to both Houses of the Legislature, at the opening of the present Session of the Provincial Parliament, in conformity to the said Resolution.

Then, on motion of Mr. Gowan, seconded by Mr. Greive,

The House adjourned.

APPENDIX, 6 DECEMBER 1844.

((NOTICE OF PROPOSED MOTIONS.))⁹⁹

MR. ((R.)) MACDONALD of Cornwall, gave notice that he would move on Monday for an address for certain documents relating to Cornwall.¹⁰⁰

MR. BALDWIN gave notice that he would move on Monday for an address to his Excellency for copies of papers, &c., compiled by the late administration, relative to ... ((Receiver)) General's Department, and also relative to Post Office Department.¹⁰¹

MR. GOWAN, ((gave notice that he would move)) on Monday -- to ask ministers if they intended bringing in a bill to repeal the act compelling barges, steamboats, &c., to report at Coteau du Lac.¹⁰²

MR. CHRISTIE, ((gave notice that he would move)) on Friday -- to ask Ministers whether Civil Secretary's Office is dispensed with, and if not, what salary is attached to it.¹⁰³

((QUESTION OF PRIVILEGE ABOUT LA MINERVE'S PARLIAMENTARY REPORTER.))¹⁰⁴

MR. SCOTT rose on a question of privilege. He complained of a false report of his speech in the Minerve. If such a thing occurred again he would move for expulsion from the bar, of the reporter for that paper.¹⁰⁵

((WITHDRAWN MOTION RE: ADDRESS ABOUT MILITIA SCRIP.))¹⁰⁶

MR. WEBSTER moved for an address to his Excellency, for information relative to the issue of Militia Scrip, and praying that issues might be stayed.¹⁰⁷

MR. ATTORNEY GENERAL ((J.)) SMITH wished to have the latter part of the motion left out.¹⁰⁸

The motion was objected to by MR. AYLWIN ... as unconstitutional and unparliamentary.¹⁰⁹

MR. BALDWIN said one object of having confidential advisers in that house, was to present addresses to his Excellency which his Excellency could not or did not feel at liberty to grant. The course pursued last session by himself and colleagues, was to ask for time to consult his Excellency. He would like to see hon. gentlemen pursuing the same parliamentary course. They did not appear, in this instance, to have consulted with their colleagues, nor asked his Excellency about it. If they had, and it was a motion that could not be agreed to, why did they not boldly come out and say so, and rely on their boasted majority to carry them

through?¹¹⁰

The motion was objected to by ... MR. MORIN as unconstitutional, as not more than one-tenth of Lower Canada (sic) militia scrip had been disposed of.¹¹¹

MR. ((J.)) SMITH, Attorney General, thought it best not to press the motion.¹¹²

MR. SHERWOOD thought the motion was perfectly parliamentary but that it would be better to withdraw it for the present.¹¹³

DR. DUNLOP referred to the Canada Gazette, in which he found the names of Messrs. Aylwin and Mr. Morin, as owners of large amounts of militia scrip.¹¹⁴

MR. AYLWIN rose to complain¹¹⁵.

Some confusion occurred.¹¹⁶

It ((was)) at length settled by the Speaker ((SIR ALLAN MACNAB)) that Mr. Aylwin should have liberty to explain.¹¹⁷

The hon. gentleman ((MR. AYLWIN)) did so by accusing the present Commissioner of Crown Lands of having inserted his name to scrip which had been obtained by him as agent for his constituents; he denied having bought any scrip.¹¹⁸

MR. MORIN gave a similar explanation.¹¹⁹

MR. AYLWIN complained ... ((about)) the insertion of his name; he thought that even had there been necessity to insert his name, a ((label)) might have been put to it, unless indeed they wished to place him among more illustrious persons, as when Caesar was spoken of, they did not say Mr. Caesar.¹²⁰

The motion was withdrawn ((by MR. WEBSTER)).¹²¹

FOOTNOTES - 6 DECEMBER 1844.

1. The debate on the Address was reported by: MONTREAL GAZETTE, 10 December 1844, BRITISH COLONIST, 17 December 1844, BRITISH WHIG, 17 December 1844, acknowledging the MONTREAL COURIER and the MONTREAL GAZETTE as its sources, KINGSTON NEWS, 19 December 1844, and CHATHAM GLEANER, 31 December 1844, in accounts identical except that the report in the MONTREAL GAZETTE is longer than the BRITISH COLONIST, the KINGSTON NEWS and the CHATHAM GLEANER; ST. CATHARINES JOURNAL, 19 December 1844, copied from the HAMILTON JOURNAL; in identical accounts in: MONTREAL GAZETTE, 7 December 1844, BROCKVILLE RECORDER, 19 December 1844, and EXAMINER, 25 December 1844; PILOT, 9 December 1844; PILOT, 18 December 1844, translated from LA MINERVE, 12, 15, 19 December 1844; LA MINERVE, 12, 15, 19, 23, 26 December 1844, most of whose speeches were copied by LE JOURNAL DE QUEBEC, 26, 28, 31 December 1844, and at least one of whose speeches, that of T. C. Aylwin, is a translated version of the report found in MONTREAL GAZETTE, 10 December 1844; LE JOURNAL DE QUEBEC, 10, 12, 15 December 1844; MONTREAL TRANSCRIPT, 10 December 1844; and L'AUREOLE, 27 December 1844.
2. MONTREAL GAZETTE, 10 December 1844. LE JOURNAL DE QUEBEC, 10 December 1844, confuses Price with Small in describing the contents of this opening speech. All other sources agree that it was Small whose speech opened this part of the debate.
3. MONTREAL GAZETTE, 10 December 1844.
4. CHATHAM GLEANER, 31 December 1844.
5. MONTREAL GAZETTE, 10 December 1844.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. LE JOURNAL DE QUEBEC, 10 December 1844.
16. IBID., 12 December 1844.
17. IBID.
18. MONTREAL GAZETTE, 10 December 1844.
19. BRITISH COLONIST, 17 December 1844.
20. This line of the debate is illegible in the MONTREAL GAZETTE of 10 December 1844, and has therefore been taken from the BRITISH WHIG, 17 December 1844.
21. MONTREAL GAZETTE, 10 December 1844.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. BRITISH COLONIST, 17 December 1844.
27. MONTREAL GAZETTE, 10 December 1844.

28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. BRITISH COLONIST, 17 December 1844.
35. MONTREAL GAZETTE, 10 December 1844.
36. MONTREAL TRANSCRIPT, 12 December 1844.
37. IBID.
38. IBID.
39. ST. CATHARINES JOURNAL, 19 December 1844.
40. MONTREAL GAZETTE, 10 December 1844.
41. IBID.
42. IBID.
43. BRITISH COLONIST, 17 December 1844.
44. MONTREAL GAZETTE, 10 December 1844.
45. IBID.
46. IBID.
47. IBID.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. IBID.
55. IBID.
56. IBID.
57. BRITISH COLONIST, 17 December 1844.
58. MONTREAL GAZETTE, 10 December 1844.
59. IBID.
60. LA MINERVE, 15 December 1844, footnoted its report as follows: "Le jour précédent, M. Papineau avait dit que la constitution du Canada était une constitution écrite, mais la constitution anglaise ne l'était pas. En disant cela, M. Papineau fut vivement applaudi par les membres ministériels, et même par le procureur-général. Le lendemain celui ci dit le contraire, et les mêmes personnes lui donnent les mêmes applaudissements."
61. LA MINERVE, 15 December 1844.
62. IBID.
63. IBID.
64. LA MINERVE, 19 December 1844.
65. MONTREAL GAZETTE, 10 December 1844.
66. BRITISH COLONIST, 17 December 1844.
67. MONTREAL GAZETTE, 10 December 1844.
68. IBID.
69. LA MINERVE, 12 December 1844.
70. IBID.
71. IBID.
72. IBID.
73. IBID.
74. IBID.
75. IBID.

76. IBID.
77. IBID.
78. IBID.
79. IBID.
80. IBID.
81. IBID.
82. IBID.
83. IBID.
84. IBID.
85. IBID.
86. IBID.
87. IBID.
88. IBID.
89. IBID., which added that Dunlop said this "voyant l'embarras dans lequel se trouvait l'orateur, qui était de nouveau en peine de prononcer sur ce qu'il ne comprenait pas...."
90. LA MINERVE, 12 December 1844.
91. MONTREAL GAZETTE, 10 December 1844.
92. PILOT, 9 December 1844.
93. IBID.
94. IBID.
95. IBID.
96. IBID.
97. IBID.
98. IBID.
99. These notices were reported in identical accounts in: ST. CATHARINES JOURNAL, 19 December 1844, BROCKVILLE RECORDER, 19 December 1844, and the EXAMINER, 25 December 1844.
100. ST. CATHARINES JOURNAL, 19 December 1844.
101. IBID.
102. IBID.
103. IBID.
104. This matter was reported in identical accounts by: ST. CATHARINES JOURNAL, 19 December 1844, BROCKVILLE RECORDER, 19 December 1844, and the EXAMINER, 25 December 1844.
105. ST. CATHARINES JOURNAL, 19 December 1844.
106. This motion was reported by: MONTREAL TRANSCRIPT, 10 December 1844; and in identical accounts by: MONTREAL GAZETTE, 7 December 1844, EXAMINER, 25 December 1844, BROCKVILLE RECORDER, 19 December 1844, and the ST. CATHARINES JOURNAL, 19 December 1844.
107. ST. CATHARINES JOURNAL, 19 December 1844.
108. IBID.
109. MONTREAL TRANSCRIPT, 10 December 1844.
110. ST. CATHARINES JOURNAL, 19 December 1844.
111. MONTREAL TRANSCRIPT, 10 December 1844.
112. IBID.
113. IBID.
114. IBID.
115. IBID.
116. IBID.
117. IBID.
118. IBID.
119. IBID.
120. IBID.
121. ST. CATHARINES JOURNAL, 19 December 1844.

MONDAY, 9 DECEMBER 1844.

(22)

Petitions
brought up.

THE following Petitions were severally brought up and laid on the table:--

By Mr. Robinson, The Petition of Alfred Wilson and others, inhabitants of the townships of East Gwillimbury and Innisfil.

By Mr. Foster, The Petition of Henry Carter and others, of the townships of Shefford and Granby.

By Mr. Scott, The Petition of Alexander Macdonald, of Montreal.

By Mr. Meyers, The Petition of John Russell and others, shoemakers, of the town of Cobourg.

By Mr. Colville, The Petition of the Reverend J. O. Archambault and others of the parishes of St. Timothée and St. Clément; the Petition of Joseph Daigneau and others, proprietors of lands along the line of the Beauharnois canal, in the parish of St. Clément de Beauharnois; and the Petition of Flora Thompson, of the parish of St. Clément de Beauharnois, wife of Joseph Toll.

By Mr. McConnell, The Petition of the Reverend Robert V. Hall and others, of Stanstead; and the Petition of the Reverend L. Doolittle and others, of the district of St. Francis.

By Mr. Leslie, The Petition of the Corporation of the Montreal Protestant Orphan Asylum.

By Mr. Roblin, The Petition of George K. Chisholm, Sergeant-at-Arms to the Legislative Assembly.

By Mr. Chauveau, The Petition of R. G. Belleau and others, inhabitants and tenants in the county of Quebec.

By Mr. Jobin, The Petition of Hyacinthe Brunet and others of Sainte Anne, Pointe Claire, and other parishes; the Petition of the Corporation of the Ladies of the Catholic Orphan Asylum of Montreal; and the Petition of the President and Directors of the Mutual Fire Insurance Company, of the county of Montreal.

By Mr. Drummond, The Petition of John Phelan and others, inhabitants of the county of Two Mountains.

By Mr. Macdonald, of Kingston, The Petition of the very Reverend Angus M'Donell, Vicar-General of the diocese of Kingston.

By the Honourable Mr. Attorney-General Smith, The Petition of the Reverend M. Townsend and others, of the southern part of the county of Rouville.

By Mr. Rousseau, The Petition of Francis Cottrell and others, freeholders and censitaires of the seigniorie of St. Antoine de La Baye, in the county of Yamaska.

By Mr. Boutillier, The Petition of the very Reverend Edward Crevier, of the parish of St. Hyacinthe.

By Mr. Chabot, The Petition of the Corporation of the Education Society of the district of Quebec; and the Petition of the Reverend Louis Proulx and others, of the county of Lotbinière.

By Mr. DeWitt, The Petition of Eugène Archambeault.

By the Honourable Mr. Morin, The Petition of Léon Charles Clement, of the parish of Des Etoulenens, in the county of Saguenay, Notary; and the Petition of J. B. Duberger and others, electors of the county of Saguenay.

By Mr. Smith of Wentworth, The Petition of the Municipal Council of the district of Gore, (relating to the township Superintendents of Education.)

By Mr. Gowan, The Petition of Patrick M'Gowan, late Sergeant in Her Majesty's 99th Regiment of Foot.

By Mr. Price, The Petition of Gilbert M'Micking Esquire, of the town of Chippewa.

By the Honourable Mr. Moffatt, the Petition of A. F. Holmes, M.D., and others, the Faculty of Medicine of the University of McGill College; and the Petition of Messieurs Hamilton and Low, and others, saw-millers and dealers in sawed wood.

By the Honourable Mr. Solicitor General Sherwood, The Petition of the Right Reverend Patrick Phelan, Bishop of Carmhae, and the Very Reverend Angus Macdonell.

By Mr. Murney, The Petition of the Municipal Council of the district of Victoria, (relating to bridges.)

By Mr. Brooks, The Petition of William Ritchie, Registrar of the county of Sherbrooke; and the Petition of William Ritchie and William Walker, trustees of the Sherbrooke Academy, in the town of Sherbrooke, in the district of Saint Francis.

By Mr. Greive, The Petition of Edouard Norman, of the parish of Sainte Marie Magdeleine du Cap de la Magdeleine, carpenter.

By Mr. Sherwood of Brockville, The Petition of John Reid and Robert Sheppard of the city of Montreal.

By the Honourable Mr. Small, The Petition of Julia Bell, of the city of Toronto, widow, (relating to her pension;) and the Petition of Julia Bell, of the city of Toronto, widow, (relating to remuneration for her late husband's having had charge of the Parliament Buildings in Toronto.)

(23)

By the Honourable Mr. Aylwin, The Petition of Mrs. Emily Mackie, and other ladies, the Committee of the Quebec Infant School, (relating to an aid;) the Petition of T. Trigge and others, the Committee of Management of the National Schools at Quebec; the Petition of the Reverend John Cook, D.D., and others, Directors of the Quebec High School; the Petition of Miss Mountain and other ladies, the Committee conducting the affairs of the Protestant Female Orphan Asylum at Quebec; the Petition of James Dean and others, of Quebec, merchants; the Petition of Peter Dunn and others, electors of the city of Montreal; the Petition of the Mayor, Aldermen and Citizens of Quebec; and the Petition of Charles Turgeon, of the city of Quebec, lumber-merchant.¹

((MR. AYLWIN asked whether Mr. Speaker had received the recognizances of the petitioners against the return of several members.))²

In answer ... the Speaker ((SIR ALLAN MACNAB)) said he had received the recognizances of the petitioners against the return of Messrs. Moffatt and DeBleury; also of Mr. Hincks and others against the return of Mr. Riddell; also of the petitioners against the return of Hamilton Merritt, Esq.³

MR. AYLWIN also stated that he had had placed in his hands a petition from several of the electors of Megantic, protesting against the return of Dominick Daly, Esquire, for that county. As he did not see the honorable gentleman in his seat, he would postpone the presentation till to morrow evening.⁴

(23)

Montreal con-
tested Election.

Mr. Speaker acquainted the House that Pierre Jodoin and Norbert Dumas, had entered into the usual recognizances required by law, on the subject matter of the contested election for the city of Montreal;

Also,

Oxford con-
tested Election.

That Francis Hincks, Esquire, Charles Wilson, and Luther Hamilton Holton, had entered into the usual recognizance required by law, on the subject

matter of the contested election for the county of Oxford.

And also,

Lincoln con-
tested Election.

That Coplin Stinson, John M. Tobin and Charles F. Palsgrave, had entered into the usual recogni-
zances required by law, on the subject matter of the
contested election for the North Riding of the county of Lincoln.

Pursuant to the Order of the Day, the following Petitions were read:--

Petitions read.

Of Mrs. Effy M'Cuaig and others, tenants of the
seigniority of New Longueuil, praying for the adjust-
ment of certain difficulties arising out of a disputed line dividing the
said seigniority in Lower Canada, from the township of Lancaster, in Upper
Canada.

Of J. G. Tourangeau and others, inhabitants of the city of Quebec and
its vicinity, praying to be authorized to erect a public and free bridge
across the river Saint Charles, in the place formerly occupied by the Dor-
chester bridge.

Of George Pozzer, Esquire, of the city of Quebec, complaining of a by-
law made by the Common Council of the city of Quebec, concerning the
removal of door steps, and praying relief.

Stormont
Election.

Of Alexander M'Lean and others, freeholders of
the county of Stormont, setting forth:--

That Alexander M'Lean, John Archbold, and Donald AEneas MacDonell,
Esquires, were nominated, as Candidates, at the recent Election, for a
Member to represent the County of Stormont, held in the said County, on
the twelfth day of October last past; and, that at the close of the said
Election, Donald AEneas MacDonell, Esquire, was declared to be, and return-
ed, by the Returning Officer, as the Candidate duly elected to represent
the said County;--which Declaration and Return, your Petitioners most res-
pectfully represent to be contrary to law, inasmuch as the said Donald
AEneas MacDonell was then and still is ineligible to be elected, as a Mem-
ber of the Legislative Assembly of this Province, by an Act passed in the
sixth and seventh years of the Reign of Her Majesty Queen Victoria, entit-
led, "An Act for better securing the independence of the Legislative Assem-
bly of the Province."

That gross Bribery and Corruption were resorted to, by the said Don-
ald AEneas MacDonell, and his authorised Agents, at and before the said
Election; and that offers of great advantage were made to many Freeholders,
by the said Donald AEneas MacDonell and his authorised Agents, to induce
them to vote for the said Donald AEneas MacDonell, and against the said
Alexander M'Lean. That many Freeholders in consequence of the offers thus

made to them by the said Donald AEneas MacDonell, and his authorised Agents, did vote for the said Donald AEneas MacDonell, against the said Alexander M'Lean, who would otherwise have voted for the said Alexander M'Lean; and that many other acts were done, by the said Donald AEneas MacDonell, and his authorised Agents, that were contrary to law, prejudicial to the interests of the Inhabitant Freeholders of the said County, and destructive of that freedom, which of right ought to govern an Election for a Member to represent the said County in your Honourable House.

For all which reasons your Petitioners humbly pray, that your Honourable House would be pleased to grant a Committee to try the Election and Return of the said Donald AEneas MacDonell, and if the above allegations or any of them shall be made to appear valid, that your Honourable House will be pleased to order the Returning Officer for the said County Election, either to amend his Return, or to allow the said Alexander McLean, as the person next on the Poll, at the said Election, to take his seat in your Honourable House, as the Member legally elected to represent the said County of Stormont.

Of the Right Reverend Patrick Phelan, Bishop of Carrhae, and the very Reverend Angus MacDonell, on behalf of the Corporation of the College of Regiopolis, praying for an Act to enable the said Corporation to acquire and hold real and personal estate, yielding an annual revenue of five thousand pounds, currency.

Of the Canada Baptist Union, praying for the passing of an Act to provide for the Registration of Births and Deaths in this Province.

Of the Canada Baptist Union, praying that the Charter of the University of King's College, may be so amended as to place all religious denominations on the same footing.

Of Charles Berczy and others, inhabitants of the city of Toronto, praying that the Municipal Council of the said city may be authorized to open and continue Colborne Street within the said city.

Of Austin E. Cadwell, of the town of Cornwall, in the Eastern District, praying to be naturalized as a subject of Her Majesty.

Of H. W. Blanchard and others, inhabitants of the district of Johnstown, praying that the macadamized road from Brockville to St. Francis may be completed and placed under the controul of the Board of Works.

Of Wellington Landon and others, inhabitants of the district of Johnstown, praying that the macadamized road from Brockville to St. Francis may be completed and placed under the controul of the Board of Works.

Of the Reverend John Merlin, V.D.M. of the township of Hemmingford, in the county of Beauharnois, representing that he voted at the last

election for the said county, in ignorance of the law, and praying to be relieved from the penalties thereof.

Grenville
Election.

Of R. Burritt and others, freeholders of the
county of Grenville, setting forth:--

That your Petitioners humbly complain of the undue Election and Return of Hamilton D. Jessup, Esquire, for the said county of Grenville, on the following grounds, viz:--

For that the Returning Officer for the said county, Wm. J. Scott, Esquire, at the last Election, or pretended Election for the same, caused Polls to be opened and votes to be taken for the said Hamilton D. Jessup, Esquire, in the Townships of North Gower and Marlborough, as if the said

(24)

Townships belonged to the said County of Grenville, whereas in truth and in fact the said Townships belonged to and were included in the County of Carleton.

Second, For that the most convenient place for proceeding to the said Election, was not appointed by the said Returning Officer, at the said last Election, or pretended Election, in said County of Grenville, but, on the contrary, the place appointed for the said purpose, was in the extreme rear of said County where a fair expression of the opinions of the Electors of said County of Grenville could not be, and was not, obtained.

Third, That no Poll was opened in and for the Town of Prescott in said County of Grenville at said last Election, or pretended Election for the same, for polling the votes of the said Town, when in Law, a Poll ought to have been opened for polling the votes, in said Town at the last Election.

For these and many other good and valid reasons, your Petitioners humbly Protest against the Return made by the said Returning Officer of the said Hamilton D. Jessup, Esquire, as Member for the said County to serve in the present Parliament. And they humbly crave that the said Return may be declared null and void; the seat of the said Hamilton D. Jessup, Esquire, be declared vacant and vacated; a new Writ be issued and a new Election be called as soon as may be for said County of Grenville, that a full and fair expression of opinion of the Freeholders of the same may be obtained for a Representative to sit in your Honourable House.

Petitions read.

Of William Sweetman, keeper of the lighthouse at Presqu Isle Point, Lake Ontario, praying for an increase of salary, and for the erection of a dwellinghouse in connection with the said lighthouse.

Of the President and Board of Police of the town of Cobourg, praying for certain amendments to the Act to establish a police in the town of Cobourg.

Of Stephen S. Foster, Esquire, and others, inhabitants of the county of Stanstead, praying that the number of terms for holding the Circuit Court at Stanstead be increased, or otherwise, that a salary be allowed to the Clerk of the said Circuit Court.

Of the Reverend J. Anderson and others, inhabitants of the townships of Melbourne and Durham, in the counties of Sherbrooke and Drummond, praying that the charter of McGill College, at Montreal, may be amended; and that the management of King's College, at Toronto, may be placed on a satisfactory basis.

Of the Reverend C. J. Primeaux, and others, of the parish of Ste. Anne de Varennes, praying for the consolidation and amendment of the road laws of Lower Canada, especially with regard to the winter roads, and for the continuance of the duty on live stock and other produce imported from the United States.

Of Pierre Papineau, and others, of the city of Montreal, ferrymen during the late war with the United States, praying to be provided for in the same manner as those who served in the embodied militia during the said war.

Of the Municipal Council of the district of Niagara, praying that the owners of land in the said district may be compelled to make returns of the same to the district Treasurer.

Of the Municipal Council of the district of Niagara, praying for the passing of an Act to prevent the taking of fish by means of seines, in a certain part of the Twenty-mile Pond, in the said district.

Of the Municipal Council of the district of Niagara, praying that an Act may be passed to compel Public Temperance Houses, within this Province, to furnish suitable accommodations for travellers.

Of the Municipal Council of the district of Niagara, praying that a certain line of macadamized road, between Queenston and Grimsby, may be made a provincial work, in order to finish the same, and to relieve the district of Niagara from all liabilities resulting therefrom.

Of the Municipal Council of the district of Niagara, praying that the expense of the administration of justice may be defrayed out of the Provincial Revenue, or that the moneys received on tavern and other licenses be placed at the disposal of the Municipal Council for that purpose.

Of the Municipal Council of the district of Niagara, praying for the passing of an Act to empower the said Council to impose a tax on dogs within the said district.

Of S. Y. Chesley, Esquire, and others, electors of the town of Cornwall, setting forth:--

Cornwall
Election.

That they do hereby Protest against and object to the Return of Rolland Macdonald, Esquire, as the Representative for the said Town in the Legislative Assembly of the said Province of Canada, upon the following grounds:--

First, Because bribery and corruption were practised previous to, and during the Election, which was held on the fourteenth and fifteenth days of October last past, by the said Rolland Macdonald, his agents or partizans, whereby a number of voters were induced to vote in favour of the said Rolland Macdonald, who would otherwise have voted for Solomon Youmans Chesley, the opposing Candidate.

Second, Because large sums of money were paid out and advanced by the said Rolland Macdonald, his agents and partizans, to procure title deeds, and for building and removing shanties, (some during the first day of polling,) for persons who were not qualified voters before, and who, were by this accommodation induced to vote for the said Rolland Macdonald.

Third, That Alexander Forsyth did tender his vote, in favour of the said Solomon Y. Chesley, several minutes before the hour of five P.M. on the second day of polling, and although it was notorious to every inhabitant of Cornwall that the said Alexander Forsyth was a legally qualified voter, and although the said Rolland Macdonald was aware of this fact, and repeatedly solicited his vote and support, did notwithstanding vexatiously, and with a view to destroy his vote by taking up time, put to the said Alexander Forsyth the property qualification oath, and the bribery oath; to both of which the said A. Forsyth unhesitatingly acquiesced, but before getting through with the latter oath, the said Rolland Macdonald held up his watch and said the time was up, and in consequence the vote was not recorded, which your Petitioners respectfully conceive ought to have been taken down in favour of the said Solomon Y. Chesley.

Fourth, Because a number of persons, not entitled to vote, as well as others whose votes were induced by bribery and corruption, did record their votes at the late Election held in and for the Town of Cornwall, in favour of the said Rolland Macdonald, thereby giving him the said Rolland Macdonald, a nominal majority over the said Solomon Y. Chesley.

Fifth, Because that the said Solomon Y. Chesley, having, at the close of the Poll at said Election, the majority of legally qualified votes, (as your Petitioners verily believe,) ought to have a seat in the present Parliament instead of the said Rolland Macdonald, who has been returned.

(25)

Wherefore your Petitioners pray your Honourable House, to cause an investigation to be had in the premises, and otherwise to do therein as your Honourable House in its wisdom may deem proper and necessary.

Of David Duncombe, Esquire, late a Candidate for the County of Norfolk, and others his supporters, setting forth:--

County of
Norfolk
Election.

That at the recent Election for the said County the qualification of Israel W. Powell, Esquire, one of the Candidates, was demanded by an Elector at the Polling Place in the Township of Walsingham; that the said Israel W. Powell was not present to make the declaration required by Law, and that no declaration or copy of a declaration was present at the said polling place, and that in consequence thereof the Deputy Returning Officer, (Titus Williams, Esquire,) refused to receive any more votes for either of the Candidates, at the said Election, until the said declaration could be obtained, and as it could not be obtained before the time specified by law for the final closing of the Poll, no more votes were taken for the undersigned David Duncombe, and a majority of four votes appearing on the gross Poll for Israel W. Powell, he was declared Elected.

Your Petitioners beg further to represent that the said Israel W. Powell had not, according to the provisions of the Statute 4th and 5th, Victoria, cap. 52, delivered to the Returning Officer for the said County any declaration of his qualification, and that the undersigned David Duncombe had done so, and that a copy of it was present at each Polling place; and your Petitioners believe that under these circumstances, it was the duty of the Deputy Returning Officer to continue to receive votes for the undersigned David Duncombe, your Petitioners therefore humbly pray that the said David Duncombe may be declared the sitting Member instead of the said Israel W. Powell, or that a new Writ may be ordered to issue for the said County, as your Honourable House shall seem fit, that justice may be done in the premises.

Of William Buell, of the town of Brockville, in the county of Leeds, in the district of Johnstown, Esquire, a Candidate at the last Election of the said County, setting forth:--

County of
Leeds Elec-
tion.

1st Division.

That by an Act of the Parliament of Great Britain and Ireland, entitled, "An Act to Re-Unite the Provinces of Upper and Lower Canada, and for the Government of Canada," it is, in effect, enacted in the 28th Clause, as follows:--

That no persons shall be capable of being Elected a Member of the Legislative Assembly of the Province of Canada who shall not be legally or equitably seized, as of Freehold, for his own use and benefit, of lands or Tenements, held in Free and Common Soccage, or seized or possessed for his own use and benefit, of Lands or Tenements held in Fief, or in Roture, within the said Province of Canada, of the value of Five Hundred Pounds, of Sterling Money of Great Britain, over and above all Rents, Charges, Mortgages, and Incumbrances, charged upon and due and payable out of or affecting the same; and that every Candidate at such Election, before he

shall be capable of being elected shall, if required by any other Candidate, or by any Elector, or by the Returning Officer, make the following declaration:--

"I, A.B., do declare and testify that I am duly seized at Law, or in Equity, as of Freehold, for my own use and benefit, of Lands or Tenements held in Free and Common Soccage, (or duly seized or possessed for my own use and benefit of Lands or Tenements held in Fief or in Roture, as the case may be,) in the Province of Canada, of the value of Five Hundred Pounds of Sterling Money of Great Britain, over and above all Rents, Mortgages, Charges, and Incumbrances, charged upon or due and payable out of or affecting the same, and that I have not collusively or colourably obtained a Title to or become possessed of the said Lands and Tenements, or any part thereof, for the purpose of qualifying or enabling me to be returned a Member of the Legislative Assembly of the Province of Canada."

That, by a Provincial Act passed by the Parliament of Canada at its session held in the 4th and 5th years of the Reign of the Queen's Most Excellent Majesty, entitled, "An Act to compel all Candidates at any future Election for Members of the Legislative Assembly to make and subscribe detailed declarations of the property by them possessed, and under which they qualify," it is, in effect, enacted, "That at any future Election within this Province, of any Member to serve in the Legislative Assembly, each Candidate at such Election, before he shall be capable of being Elected, shall, if required by any other Candidate, or by any Elector, or by the Returning Officer, make and subscribe under oath or affirmation, (which oath or affirmation the said Returning Officer is hereby authorised and required to administer,) a declaration specifying the Lands and Tenements of which he is duly seized at law, or in equity, as of Freehold for his own use and benefit, held in Fief or Roture, and upon which he claims to be qualified according to Law, to be elected as aforesaid."

That at the last Election in and for the said County of Leeds, of a Member to Represent the said County in the Legislative Assembly of this Province, Ogle Robert Gowan, and your Petitioner, became, and were Candidates at such Election; and the said Ogle Robert Gowan, before he was elected, was then and there required in effect by an Elector of the said County, to make a declaration of Lands and Tenements upon which he claimed to be qualified, according to law, to be elected as aforesaid.

That although so required, the said Ogle Robert Gowan did not then and there make the qualifying declaration, or declarations, required by the said in part recited Acts; on the contrary thereof, he the said Ogle Robert Gowan made a pretended declaration of qualification before Adiel Sherwood, Esquire, the Returning Officer at the said Election, which was not according to the requirements and provisions of the said in part recited Acts.

First, Because, although the said Ogle Robert Gowan declares and testifies in the said pretended declaration, to the effect that he is duly seized

at law, or in equity, as of Freehold for his own use and benefit, of Lands or Tenements held in Free and Common Soccage in the Province of Canada, of the value of five hundred pounds of sterling money of Great Britain, over and above all rents, mortgages, charges, and incumbrances, charged upon or due, or payable out of, or affecting the same, yet, contrary to the clearly expressed and plain meaning of the provisions of the Provincial Act, herein before in part recited, he the said Ogle Robert Gowan does not, in his said pretended declaration, under oath, or affirmation, specify the Lands or Tenements of which he therein alleges himself to be so duly seized at law or in equity, and upon which he claimed to be qualified according to law, to be elected as aforesaid. Nor does he in his said pretended declaration, declare and testify under oath or affirmation, to the effect that he is seized as required by the last mentioned Act, of or in any of the Lands or Tenements, (if Lands or Tenements are intended), pretended to be specified upon the paper on which the said pretended declaration is written; nor does the said pretended declaration, or any part of it, contain any word, or words, expression, or expressions, referring to such pretended specification of Lands or Tenements, (if Lands or Tenements are meant), or to any specification of Lands or Tenements whatever, as being the Lands or Tenements upon which he claimed or claims to be qualified, according to law, to be elected as aforesaid; whereupon your Petitioner says, that the said Ogle Robert Gowan has failed to comply with the provisions and requirements of the Provincial Statute in that behalf, and, in consequence thereof, was disqualified and incapable of being elected or returned, and ought not to have been returned as Member to represent the said County, in the said Legislative Assembly.

Secondly, Because, although contrary to the obvious and plain meaning of the words of the said pretended declarations of the said Ogle Robert Gowan, yet if it should be considered that the said pretended declaration does refer to the said pretended specification of Lands or Tenements, (if Lands or Tenements are meant), written on the paper containing such pretended declaration, your Petitioner begs further to represent, that the said pretended specification is vague, uncertain, and

(26)

wholly insufficient, and is not such a specification as is required by the Provincial Act, above in part recited, to be made by Candidates, to qualify them under the provisions of such Act, to be elected a Member of the said Legislative Assembly, as will appear to your Honourable House from the perusal of such pretended declaration, and the said Ogle Robert Gowan was therefore disqualified and incapable of being elected at the said Election, for the said County of Leeds, and ought not to have been returned a Member of the said Legislative Assembly.

Wherefore your Petitioner humbly prays your Honourable House, upon being satisfied of the truths of the foregoing allegations, or of so much thereof as shall be deemed sufficient to make void the Election of the said Ogle Robert Gowan, and cause the Return thereof to be amended,

so that your Petitioner, as the only legally qualified Candidate for whom votes were polled at the said Election, for the County of Leeds, may be returned as the Member to Represent the said County in the Legislative Assembly of this Province.

2d Division.

Although your Petitioner is confident that your Honourable House will sustain the objections above alleged by your Petitioner, against the said pretended declaration of qualification of the said Ogle Robert Gowan, yet your Petitioner begs further to represent, that the said Ogle Robert Gowan was not, at the time of his said Election, or of making his said pretended declaration of qualification, legally or equitably, seized or possessed of Lands or Tenements sufficient according to law, to qualify or render him capable of being elected a Member of the Legislative Assembly of the Province of Canada; on the contrary, the said Ogle Robert Gowan, at the time of his said Election, or making his said pretended declaration, was not legally or equitably seized or possessed according to law, of the Lands or Tenements (if Lands or Tenements are meant), pretended to be specified upon the paper containing his said pretended declaration, and upon which he claimed to be qualified or capable according to law, to be elected a Member as aforesaid.

Wherefore your Petitioner prays your Honourable House that for the cause last assigned, the Election and Return of the said Ogle Robert Gowan may be declared void or amended, and your Petitioner returned in his place or stead, as the Member to represent the said County, in the said Legislative Assembly.

3rd Division.

Your Petitioner further begs leave to represent to your Honourable House, that at the said last Election of a Member to Represent the said County of Leeds, in the Legislative Assembly, the said Ogle Robert Gowan ought not to have been Elected, or Returned as such Member.

First, Because votes were received and recorded in his favour from persons not possessed of the requisite property qualifications to entitle them to vote.

Second, Because the same persons voted more than once for him at the polling places, in the said County, whereby each of the said persons, gave two or more votes in his favour, contrary to law.

Third, Because the votes of office holders and others disqualified by law, were received and recorded in his favour.

Fourth, Because of persons voting in his favour at polling places not situate within the Township or division of Townships, containing the property qualifications upon which their votes were given.

Fifth, Because there is a majority of the legal votes on the said poll books in favour of your Petitioner.

Sixth, Because some of the Deputy Returning Officers refused and rejected the votes of persons legally entitled to vote at the said Election, who presented themselves at the polling places to vote for your Petitioner.

Seventh, Because of gross partiality, and illegal and improper conduct, on the part of some of the Deputy Returning Officers, in favour of the said Ogle Robert Gowan, operating injuriously against the Election of your Petitioner; the said Deputy Returning Officers, among other things, unlawfully rejected many legally qualified voters of the said County, who presented themselves to vote for your Petitioner, whereby others similarly situated were prevented from coming forward to vote for him.

Eighth, Because, Electors of the said County were prevented from voting against the said Ogle Robert Gowan, through threats of injury to their persons or property, from partizans and supporters of the said Ogle Robert Gowan.

Wherefore, your Petitioner further prays, that a scrutiny of the votes recorded on the several poll books of the said Election in favour of the said Ogle Robert Gowan may be had, and that the illegal votes entered upon the said poll books in his favour, may be erased or struck off, and the votes of such Electors as were legally entitled to vote at the said Election--who came forward to vote for your Petitioner, but were improperly rejected by the Deputy Returning Officers--be placed upon the said poll books; and if thereupon it shall appear to your Honourable House that the majority of legal votes is in favour of your Petitioner, that he may be returned the Member to represent the said County in the Legislative Assembly of this Province, or that your Honourable House will take such other proceedings for rendering void the Election of the said Ogle Robert Gowan, and doing justice to your Petitioner and the Electors of the said County, as may seem proper, and according to law and Parliamentary practice.

Of Colonel A. W. Light, late Lieutenant Colonel of Her Majesty's 25th Regiment of Foot, complaining that he has been illegally divested of a part of a certain grant of land in the Western District, by the decision of the Boundary Line Commissioners, and praying relief.

Of Alexander Fraser, Esquire, late a candidate for the county of Lanark, at the last Election, setting forth:--

Lanark con-
tested Election.

That in consequence of no poll having been held in the Townships of Ross, Westmeath, Pembroke and Stafford, still a part and portion of the said County, by means of which a numerous class of respectable freeholders have been deprived of their unquestionable rights, as subjects of the Crown of Great

Britain, in not having an opportunity of exercising their Elective Franchise, and voting for a Candidate according to their judgment, best qualified to represent their interest, wants and wishes, thereby the most important and interesting section of Canada West, particularly as regards the mercantile interest of the Colony, is left unrepresented in your Honourable House. That your Memorialist begs respectfully to represent that the tenor and meaning of the Writ, for holding the Election, has not been complied with, inasmuch as no poll having been held in the said Townships, the County cannot be considered as legally represented by Mr. Cameron.

That there are now from nine hundred to one thousand freeholders in the said County, who have not voted at the late Election.

Your Memorialist, therefore, most respectfully prays, that your Honourable House will act in the matter as the law requires, under similar circumstances, and direct or authorize that a new Writ for holding an Election for the County of Lanark, may be issued by the proper authority, as soon as convenient.

Of T. A. Stayner, Esquire, and others, proprietors of land in the Eastern townships of Lower Canada, residing in the city of Montreal, praying that the Municipal Ordinance may be so amended as to provide that the rates of taxes already imposed and remaining unappropriated, and those which may be hereafter imposed, may be applied to purposes of public utility within the townships respectively, in which the same have been or shall be raised.

Of the Committee of the British and Canadian School Society of Montreal, praying for pecuniary aid in support of the said School.

Of the Montreal Ladies' Benevolent Society, praying for Legislative aid in support of the said Society.

(27)

Of the Montreal Board of Trade, praying for the permanent establishment of the Trinity House of Montreal, with the exclusive management of the Harbour of Montreal; for the reduction of the rate of pilotage; and that lights and buoys may be placed on the River St. Lawrence between Montreal and Kingston, under the jurisdiction of the said Trinity House.

Of John Frothingham and others, resident in the district of Montreal, praying that the provincial duty on leather be increased, and that the Act imposing a duty on raw hides be repealed.

Of the Members of the Corporation of the College of L'Assomption, praying for an aid in support of the said College.

Petitions
referred.

Resolved, That the Petition of J. G. Tourangeau and others, inhabitants of the city of Quebec, and

Tourangeau
and others.

its vicinity, be referred to a Select Committee of five members, composed of Mr. Chauveau, the Honourable Mr. Daly, the Honourable Mr. Morin, Mr. Chabot and Mr. Cauchon, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Col. Light.

Resolved, That the Petition of Colonel A. W. Light, late Lieutenant Colonel of Her Majesty's 25th Regiment of Foot, be referred to a Select Committee of three members, composed of Mr. Riddell, Mr. Meyers, and Mr. Roblin, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Bishop of
Carrhae.

Resolved, That the petition of the Right Reverend Patrick Phelan, Bishop of Carrhae, and of the Very Reverend Angus Macdonell, on behalf of the Corporation of the College of Regiopolis, be referred to a Select Committee, composed of Mr. Macdonald of Kingston, Mr. Solicitor General Sherwood, the Honourable Mr. De Bleury, Mr. Meyers, and Mr. Macdonell of Stormont, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Ursuline
Ladies.

Resolved, That the Petition of the Religious the Ursuline Ladies of Three Rivers, be referred to a Committee of five Members, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered, That Mr. Greive, Mr. Guillet, Mr. Rousseau, Mr. Méthot and Mr. Désaunier do compose the said Committee.

Presbytery of
Montreal.

Resolved, That the Petition of the Moderator and Presbytery of Montreal, be referred to a Select Committee, composed of Mr. Dunlop, Mr. Cameron, Mr. Colville, Mr. Macdonell of Stormont, and the Hon. Mr. DeBleury, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Rev. John
Merlin.

Ordered, That the Petition of the Reverend John Merlin, of the township of Hemmingford, in the county of Beauharnois, be referred to the said Committee.

A. Larue and
others.

Resolved, That the Petition of A. Larue and others, of the parish of Cap Saint Ignace, in the county of L'Islet, be referred to a Committee of five

members to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers and records.

Ordered, That Mr. Taché, Mr. Taschereau, the Honourable Mr. Lafontaine, Mr. Chabot and Mr. Bertrand, do compose the said Committee.

John Macpherson
and others.

Resolved, That the Petition of John Macpherson and others, inhabitants of Crane Island, and of the parishes of Saint Thomas, Cap Saint Ignace and other places, be referred to a Committee of five Members, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers and records.

Ordered, That Mr. Taché, the Honourable Mr. Morin, Mr. Chauveau, Mr. Christie and Mr. Prince do compose the said Committee.

Address to His
Excellency the
Governor Gen-
eral in answer
to Speech.

Mr. Macdonald of Cornwall, reported from the Special Committee appointed on Friday last, to draw up an Address to His Excellency, the Governor General, that they had drawn up an Address accordingly, and the same was read at the Clerk's table, and agreed to by the House, and is as followeth:--

To His Excellency the Right Honourable Sir CHARLES THEOPHILUS METCALFE,
Baronet, Knight Grand Cross of the Most Honourable Order of the Bath,
one of Her Majesty's Most Honourable Privy Council, Governor General
British North America, and Captain General and Governor in Chief in
and over the Provinces of Canada, Nova Scotia, New Brunswick, and
the Island of Prince Edward, and Vice Admiral of the same, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY--

We, Her Majesty's dutiful and loyal subjects, the Commons of Canada in Provincial Parliament assembled, humbly beg leave to thank Your Excellency for your most gracious Speech from the Throne, at the opening of the present Session, and to assure Your Excellency that we are gratified that an early period since the completion of the recent General Election has been selected by Your Excellency for meeting the Parliament at a season so convenient to the Members personally, for the discharge of the important functions devolving upon them.

We, in common with the other subjects of our Gracious Queen, throughout her vast dominions, in every quarter of the globe, rejoice at the auspicious birth of another member of the Royal Family, and humbly express our gratitude to the Almighty Giver of all Good, for the continued safety and health of our beloved Sovereign.

Our earnest consideration will be devoted to all subjects before us, concerning the welfare of the Province. We recognize the improvement of the education of the People as one of our most urgent duties, and it will be a matter of the most profound gratification to us, if such arrangements

can be devised, respecting the University of King's College, as will receive the sanction of the Crown, and give general satisfaction in the Colony.

Our attention will be devoted to the Municipal Institutions of the Province, as well as to the state of the Prisons, and the want of Lunatic Asylums in Lower Canada, and also to the amelioration of the means of communication throughout this Province, so essential to its prosperity. We regret the peculiar destitution of the Eastern Townships of Lower Canada in this particular; and that the Town of Kingston, in Upper Canada, which, by means of the removal of the Seat of Government, has unavoidably suffered much, should be deprived of a Road through the Inland Territory, towards the Ottawa, essentially necessary to its prosperity; and these subjects will receive that attention which their importance demands.

We will avail ourselves of the earliest opportunity of taking into consideration the state of the Militia Law in both sections of the Province, with a view to the framing of such a measure as may give efficiency to that arm of public defence throughout the same.

We are gratified to learn that the state of the Revenue affords a fit subject of congratulation, and we will not fail to apply our serious consideration to such measures as may be calculated to promote its further improvement.

(28)

We learn, with the most profound satisfaction, that Her Majesty has graciously received the Address of the Legislative Assembly of the last Parliament, on the subject of the Civil List. And sensible of the only objects which could have induced the Imperial Parliament to make provision for a Civil List in this Province, and of the peculiar exigency which required such a course, we nevertheless rejoice in the assurance of Her Majesty's confidence in the concurrence of Her Majesty's faithful subjects in Canada for effecting the same purposes, and gratefully acknowledge Her Majesty's desire, to owe the means of obtaining them to the spontaneous liberality of Her Canadian people. We will therefore devote our earnest attention to the exercise of that most undoubted and important of our constitutional rights and duties; the granting to the Crown of a Civil List;--and we have the fullest confidence that the recommendation of Her Majesty to the Imperial Parliament, founded upon such a grant, to repeal so much of the Act of Union as relates to this subject, will meet with that ready attention which its constitutional importance demands.

The financial accounts and estimates for the Public Service, will receive due attention, when laid before us; and we are happy to learn notwithstanding the unavoidable expense attendant on the removal of the Seat of Government from Kingston to Montreal, and the claims to be submitted for our consideration, a considerable surplus will remain for future disposition.

We will make proper provision for the exigencies of the Public Service, and are gratified at Your Excellency's assurance that you will use your exertions to diminish expenditure by all practicable economy. It is a source of the greatest satisfaction to learn that Your Excellency has availed yourself of such opportunities for retrenchment as have presented

themselves, and we thankfully acknowledge the assurance that Your Excellency will continue to pursue the same course, whenever reduction appears to be consistent with efficiency.

We concur with Your Excellency in desiring that the welfare of United Canada may be promoted by the joint labour of all the branches of the Legislature. And our earnest efforts will be devoted to such measures as may in our judgment be calculated to secure peace and prosperity, justice and happiness to this Province.

We fully confide in Your Excellency's declaration that you will continue to administer the charge entrusted to you, by Our Most Gracious Sovereign, according to the acknowledged principles of Our Provincial Constitution, and with a view to the wants and wishes of the community. And we learn with exceeding satisfaction, that on the occurrence of vacancies in several of the most important offices of the Administration, immediate efforts were made by Your Excellency to fill them by gentlemen supposed to possess the confidence of the people. While we rejoice at the assurance of Your Excellency's incessant exertions to supply these vacancies, we nevertheless regret to learn that obstacles should have intervened to delay the accomplishment of this constitutional purpose.

We beg to assure Your Excellency that in the full exercise of our constitutional powers, we will earnestly endeavour to maintain the harmony with the other branches of the Legislature, essential to the well-being of the people, for whose benefit alone these powers are conferred, and in devoting ourselves to the discharge of our important duties, we unite with Your Excellency in a humble hope, that the Almighty will bless our endeavours, and render them efficacious for the public good.

Ordered, That the said Address be engrossed.

Resolved, That the said Address be presented to His Excellency, the Governor General, by the whole House.

Ordered, That such Members of this House as are of the Honourable the Executive Council of this Province, do wait upon His Excellency, the Governor General, to know His Excellency's pleasure, when he will be attended by this House with its Address.

The Honourable Mr. Attorney General Smith, one of the Members of the Executive Council, rose in his place, and acquainted Mr. Speaker and the House, that His Excellency, the Governor General, will receive the House, with its Address, to-morrow, at half past three o'clock, P.M., at the Government House.⁵

MR. ((HENRY)) SMITH, of Frontenac, rose to express his entire approbation of the address, as he had not an opportunity of doing so before. - He particularly approved of it on account of the reference made to Kingston, and told Mr. Cameron that if he knew as much about the country in rear of Kingston as he (Mr. S.) did, he would not have told the House that it was a sterile, rocky tract, but quite the reverse; and he could inform his hon.

friend that persons had left this part of the province and settled down there - but so far back, that they could not be assessed. As long back as 1832, a motion had been made in the U.C. Parliament to vote a sum of money, in order to open the country, and if the grant were made at that time, instead of being an entire waste, it would now be filled with industrious settlers. He had taken some trouble in making enquiries and from reports which had reached him from the Ottawa, he was lead (sic) to believe that it was not too late, and great benefit would arise from it. The Hon. gentleman took the opportunity to express his perfect adherence to the resolutions of 1841, having warmly advocated them on their introduction.⁶

(28)

Relief of parties claiming Lands in Upper Canada.

Ordered, That the Honourable Mr. Solicitor General Sherwood, have leave to bring in a Bill to repeal certain Acts therein mentioned, and to make better provision for the relief of parties claiming Lands in Upper Canada, for which no

patent hath issued, as representing the original nominees of the Crown.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Tuesday, the seventeenth instant.

On motion of the Honourable Mr. Aylwin, seconded by Mr. Chabot,

Forges of St. Maurice.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be

laid before this House, a copy of the Lease under which the land known as the "Forges of St. Maurice" are now held, if such Lease be in writing, and also for a copy of all such papers and documents as His Excellency may deem proper to communicate to this House, in relation to the future disposal of the said Land, known as "the Forges of St. Maurice." ⁷

MR. GRIEVE rose to second the motion, expressing great pleasure at doing so.⁸

((He)) was informed that Mr. Chabot had already done so.⁹

(28)

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

Indemnification of Jurors.

Mr. Gowan moved, seconded by Mr. Macdonell of Dundas, for leave to bring in a Bill for the consolidation and amendment of the Laws, relative to Jurors, Juries, and Inquests, in Upper Canada, and to provide for the indemnification of Jurors, while attending the several Courts in that portion of this

Province.¹⁰

MR. AYLWIN charged the hon. gentleman with acting contrary to his professions of attachment to Responsible Government, in introducing a bill which should only have emanated from the Administration, and by whom the responsibility should be assumed. It was not fair, he said, thus to relieve the Government of responsibility, however the gentlemen on the Treasury Benches might like it. He could well understand how agreeable such an arrangement would be to them with their tottering majority. If they felt themselves too weak to carry a measure, the rejection of which would be a defeat, they had just to put it on the broad shoulders of the member for Leeds.¹¹

MR. ATTORNEY-GENERAL ((J.)) SMITH said he had no wish to shirk any proper responsibility, but it was quite evident that the Government could not prevent any member from introducing any measure he chose. He should take care however that after bills were printed and came up for a second reading, that they should be carefully examined, and none allowed to be proceeded with which interfered with the province of the Administration.¹²

MR. GOWAN said he had introduced the Bill from no desire to relieve the Government of responsibility; the measure was one which he had introduced into the Parliament of Upper Canada, and was entering ((on)) his own.¹³

MR. JOHNSTON had never heard anything so absurd in his life! They might all as well return home at once and leave the business of the country to the Executive Council. Not introduce a bill upon any subject they chose! It is ridiculous! He would not withdraw any bill of his for all the Treasury Benches ever were heard of!¹⁴

(28)

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative.

And he accordingly presented the said Bill to the House, and the same was received and read for the first time.

On motion of Mr. Scott, seconded by Mr. Jobin,

Montreal
Roads.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a statement of the cost of macadamizing and keeping in repair the roads leading from Montreal to La Chapel's Bridge, with the amount of Tolls thereon received, and any other information which His Excellency may think proper to communicate on the subject.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the

Executive Council of this Province.

On motion of the Honourable Mr. Aylwin, seconded by Mr. Chabot,

King's Posts,
District of
Quebec.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, the instruments or Authority whatever, by virtue whereof the Tract of Country upon the rivers Saguenay and St. Lawrence, known as the King's Posts in the district of Quebec,

(29)

is now held by the Honourable the company of Merchant Adventurers of England.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

On motion of Mr. Riddell, seconded by Mr. Meyers,

Laws, &c.,
Printed.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a statement of the manner in which the Laws, and other official Public Documents, are printed, together with an account of the expense thereof, and other matters connected therewith.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

On motion of the Honourable Mr. Lafontaine, seconded by Mr. Christie,

Correspondence
on certain pro-
ceedings being
in the English
language only.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a copy of any Correspondence which may have passed between the Executive Government of this Province, and the Imperial

Government, from the time of the passing of the Union Act to this day, in relation to the forty-first section of the said Union Act, by which it is enacted that certain Writs, Proclamations Instruments, Returns, Journals, written or printed Proceedings, and Reports, as specified in the said section, shall be in the English language only.¹⁵

MR. LAFONTAINE ... ((asked)) how it was that parliamentary proceedings should be written in the English language only.¹⁶

The Attorney General ((MR. J. SMITH)) said there was no correspondence on the subject.¹⁷

(29)

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

Receiver
General's
Department.

The Honourable Mr. Baldwin moved, seconded by Mr. Price, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, copies of any memorandum or other Documents submitted to His Excellency by any Member, or Members of the late Provincial Administration, relative to the state of the Receiver General's

Post Office
Department.

*Department, and any other information on the same subject which it may be in His Excellency's power to communicate. And also copies of any memorandum or other Document, submitted to His Excellency by any Member, or Members, of the late Provincial Administration, relative to the state of the Post Office Department, and suggesting improvements in that branch of the Public Service.*¹⁸

MR. ATTORNEY-GENERAL ((J.)) SMITH opposed the address, on the ground that it was contrary to Parliamentary practice to demand the communication of anything which occurred in the council, but which had not become an act of the council.¹⁹

MR. BALDWIN said that the House had a right to call for any information which was in the possession of the Government. This information might be refused, but it was absurd to say that it could not be asked for. He referred to Mr. Lafontaine's Note to His Excellency in November and the Reply - both of which had been granted on Addresses from the House.²⁰ ((He)) said that the motion was made in consequence of remarks which had fallen from the member for Leeds. He had crowed so tremendously about the admirable system pursued in the Receiver-General's Department, that he was anxious that the country should see whether the present Ministry were entitled to the sole credit of it.²¹

The Solicitor-General ((MR. H. SHERWOOD)) expressed his surprise that the motion had been made. He had looked into the English authorities, and could not discover anything like a precedent, whilst there were many instances of addresses being refused on much less grounds. He noticed one case in particular in the House of Commons, where an opinion of the Law Officers was refused. If the matter was of so much importance his honorable friend should have retired when his advice was not acted upon, instead of coming there now, and seeking to gain popularity at the expense of the present Government.²²

MR. LAFONTAINE denied that there was any comparison between the case cited by the Solicitor General and the one under discussion. He regretted this unwillingness to afford information. It convinced him there was a disposition to go back to the old system; and that the Government was to be conducted by the Governor and Colonial Secretary instead of by the advice of a Ministry.²³

((There were)) some remarks from MR. MOFFATT, MR. DUGGAN, and several other members²⁴.

(29)

The question being put upon the said motion, a division ensued, and the names being called for, they were taken down, as followeth:--

YEAS.

Aylwin, Baldwin, Berthelot, Bertrand, Boutillier, Cameron, Cauchon, Chabot, Chauveau, Christie, DeWitt, Drummond, Jobin, Lacoste, LaFontaine, Lantier, Leslie, Macdonald of GLENGARRY, Méthot, Morin, Nelson, Powell, Price, Roblin, Rousseau, Smith, of WENTWORTH, Taché, Taschereau, and Thompson--(29.)

NAYS.

Brooks, Cummings, Daly, Dickson, Duggan, Dunlop, Ermatinger, Foster, Gowan, Greive, Hale, Hall, Jessup, Johnstor, Lawrason, Macdonald of CORNWALL, Macdonald of KINGSTON, Macdonell of DUNDAS, McConnell, Meyers, Moffatt, Papineau, Petrie, Riddell, Robinson, Seymour, Sherwood of BROCKVILLE, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Stewart of BYTOWN, Stewart of PRESCOTT, Watts, Webster, and Williams--(35.)

So it passed in the negative.

On motion of the Honourable Mr. Aylwin, seconded by Mr. Chabot,

Moneys expended for Public Improvements and Education.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a Statement, in a tabular form, of all sums of money which have been expended, from the Public Treasuries of the several Provinces of Upper and Lower Canada, and the Province of Canada, for Public Improvements and Education, in each of the several Counties and Ridings, in this Province, since the year 1830; specifying the authority under which such expenditure was made, and the several times of making such expenditure.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

On motion of the Honourable Mr. Aylwin, seconded by Mr. Chabot,

Hon. D.B.
Viger.

Resolved, That an humble Address be presented to His Excellency, the Governor General, to pray that

His Excellency will be pleased to order the proper officer to lay upon the table of this House, a copy of the Instrument by virtue of which the Honourable Denis Benjamin Viger was called to the Honourable the Executive Council of the Province, and took his seat as a Member thereof; and also that a copy of the Instrument by virtue of which the said Honourable Denis Benjamin Viger was appointed to be Chairman, or President, of the said Council, or of the Committees thereof, be also laid upon the table of the House, for the information thereof.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

Administra-
tion of Justice
in Gaspé.

Ordered, That Mr. Christie have leave to bring in a Bill, supplementary to an Act of the last session of the Legislature, relating to the Administration of Justice in the Gaspé district, and to extend

the provisions of the said Act.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday the twenty-third instant.

County of
Grenville
contested
Election.

Mr. Cameron moved, seconded by Mr. Roblin, That the Petition of William Harris and others, freeholders of the county of Grenville, in the district of Johnstown; and the Petition of R. Burritt and others, freeholders of the county of Grenville, complaining of the undue election and return of Hamilton D. Jessup, Esquire, to represent the said county in Parliament, be taken into consideration by this House on the twenty-third instant, at the hour of four of the clock P.M., and that notice to that effect, in writing, be forthwith given by the Speaker, to the Petitioners and the Sitting Member, according to the provisions of

(30)

the second clause of an Act passed by the Parliament of Upper Canada, during the fourth year of the Reign of His late Majesty, King George the Fourth, chapter four.

((There was)) some discussion on the present practice of receiving election petitions²⁵.

(30)

On motion of Mr. Gowan, seconded by Mr. McConnell,

Ordered, That the further consideration of the said motion be postponed until to-morrow.

Marriage
License
Fee Fund.

The Order of the Day for the second reading of the Bill relating to the Fund, formerly known as the "Marriage License Fee Fund," to fix the fees hereafter to be taken on Marriage Licenses, and to provide for the regular payment thereof into the Public Treasury, being read,

Ordered, That the said Bill be read a second time on Monday next.

The Order of the Day, for the second reading of the Bill to approve of and confirm an Act of the Imperial Parliament of Great Britain to incorporate the Gaspé Fishery and Coal Mining Company, being read,

Ordered, That the said Bill be read a second time on Friday next.

Then, on motion of Mr. Gowan, seconded by Mr. Greive,

The House adjourned.

APPENDIX, 9 DECEMBER 1844.

((NOTICE OF PROPOSED MOTION.))²⁶

MR. MURNEY gave notice of motion for leave to introduce a bill to regulate the law of dower in Upper Canada.²⁷

((QUESTION AND ANSWER RE: AMENDMENT OF LOWER CANADA REGISTRY LAW.))²⁸

MR. CAUCHON gave notice of his intention to enquire of the Government whether they intended to introduce any amendment into the present Registry Law, so as to make a simple inscription of property sufficient.²⁹

Attorney Gen. ((MR. J.)) SMITH replied that it was not the intention of the Government, during the present Session to introduce any measure for amending the Registry Law, but that an Inspector would be appointed to examine into and report upon its operation.³⁰

OR

MR. ATTORNEY GENERAL ((J.)) SMITH said ... an officer of the Government was at present engaged making inquiries on the subject.³¹

Hear, hear, from the opposition.³²

((QUESTIONS AND ANSWERS RE: CIVIL SECRETARY; UNICORN STEAMBOAT; SECRET SOCIETIES.))³³

MR. CHRISTIE. In pursuance of notice previously given, submitted the following questions to the Members of the Administration:-³⁴ 1st. Whether the duties of Civil Secretary had been transferred to the Provincial Secretary, and the salary been discontinued.³⁵ 2. Whether his Excellency is in possession of any information as to an intention on the part of the British Government to keep up the communication between Quebec and Halifax by means of the steamer Unicorn? 3. Whether it is the intention of Government to take any steps in reference to the Secret Societies which appears (sic) to be organized in this city.³⁶

The Attorney General ((MR. J. SMITH)) answered seriatim: 1st. The duties of the Civil Secretary, had not been transferred - the salary was £1000 a year.³⁷

Loud cries of hear, hear, from the opposition.³⁸

((The Attorney General MR. J. SMITH continued:)) Second ... the Government is not in possession of any information upon the subject³⁹. In reply to this ((third)) question, the Attorney General said that nothing certain

was known to the Government as to the formation of these societies, excepting what was in possession of every member in the House, namely, that placards were put up on the walls of the town, calling meetings of Dolphins, Steel Caps, &c. But as to what was done in those meetings, whether any thing was projected against the lives and property of the citizens, or whether they were bound by secret oaths, the Government was profoundly ignorant. But if any Hon. Member would give the administration some data to proceed upon, steps would be taken for their immediate suppression.⁴⁰

((QUESTIONS AND ANSWERS RE: DIVISION COURTS; COST OF ADMINISTRATION OF JUSTICE IN UPPER CANADA; KING'S COLLEGE; GRAMMAR SCHOOL ENDOWMENTS; COURT OF CHANCERY, UPPER CANADA; UPPER CANADA TAXATION SYSTEM.))⁴¹

MR. THOMPSON in pursuance (sic) of notice previously given, put various queries to the officers of Government ... 1st - Does the Government contemplate enlarging the jurisdiction of the division Courts?⁴²

Answer ((by MR. JAMES SMITH)) - We are not prepared with any measure upon that subject.⁴³

((MR. THOMPSON:)) 2nd - Is it the intention of the Government to defray the expenses attending the administration of justice in Upper Canada, out of the consolidated fund?⁴⁴

Answer ((by MR. JAMES SMITH)) - That subject is under consideration.⁴⁵

((MR. THOMPSON:)) 3rd - Is it intended to make any alterations in the management of the affairs of King's College?⁴⁶

Answer ((by MR. JAMES SMITH)) - That subject is also under consideration.⁴⁷

((MR. THOMPSON:)) 4th - Whether the lands taken away from the endowments of Grammar Schools, were to be restored.⁴⁸

Answer ((by MR. JAMES SMITH)) - The same as to the last.⁴⁹

((MR. THOMPSON:)) 5th - Is it intended to alter or repeal the act establishing a Court of Chancery in this Province?⁵⁰

Answer ((by MR. JAMES SMITH)) - It is not.⁵¹

((MR. THOMPSON:)) 6th - Or to alter the system of taxation which prevails in Upper Canada?⁵²

Answer ((by MR. JAMES SMITH)) - I am not prepared to answer that enquiry. The Attorney General further remarked that although he was desirous of meeting the wishes of Hon. Members as far as in his power, yet, if a multitude

of questions were to be pressed upon him, he should feel it his duty to answer them collectively and negatively.⁵³

"Oh! oh! that will not do." from the Opposition Benches.⁵⁴

MR. ATTORNEY GENERAL ((J. SMITH)), I wish, gentlemen to understand my meaning, which is that I shall be obliged to say in all cases, that the Government is not prepared to answer.⁵⁵

((WITHDRAWN MOTION RE: ADDRESS FOR DOCUMENTS ABOUT CORNWALL LAND PURCHASE.))

MR. ROLLAND MACDONALD brought forward his motion for an address, praying for all documents on the subject of certain lots in the Town of Cornwall, purchased by him from Government.⁵⁶

The Government opposed the address⁵⁷.

It was finally withdrawn ((by MR. ROLLAND MACDONALD)).⁵⁸

((DEFERRED MOTION RE: INFORMATION ON KING'S COLLEGE.))⁵⁹

MR. PRICE moved for an address to his Excellency the Governor-General praying for certain information relative to the University of King's College. He did so for the purpose of exhibiting to the country the exact position of an institution on which an immense amount of the public money had been squandered to foster a single religious sect. He was assured that there were 11 Professors in the University and 23 Students,⁶⁰ and that the extravagance which its proceedings exhibited was monstrous.

The Attorney-General ((MR. J. SMITH)) said that he felt himself constrained to oppose this address. He did so on the ground that the Governor-General in his capacity of Governor, had it not in his power to compel the Corporation of King's College to render the information which was sought for.⁶¹ The charter of King's College was a royal one, and his (the Attorney General's) impression was, that neither as Chancellor nor Governor had his Excellency the authority to obtain what was asked. He suggested the appointment of a Committee.⁶²

MR. PRICE said that by the Speech from the Throne it was understood that the Government would introduce a bill on the subject of King's College - and it gave him serious doubts as to the good intentions of the Ministry when they made so frivolous an objection to this inquiry. This institution had been endowed munificently out of the public funds - the charter had been altered by Parliament already - these same returns had been every year laid before the House, - and it would not tell well with the country if they were thus frustrated on a subject which excited much attention. The Attorney-General knew well when he talked of a committee that it was a mere mockery -

before a committee could have commenced operations the Session would be over. He trusted it was not the intention of the Government to send the whole question to such a committee. If the present Government did not act honestly and place every man in this Province on an equal footing - they would be hurled from their seats.⁶³

MR. BALDWIN said the difficulty had never occurred to him. Under the circumstances the best way would be for the Crown to ascertain how the matter stood as soon as possible. If he were certain the Crown had the power, he would not advise the withdrawal of the motion; but as he did not feel certain, he should do so.⁶⁴ ((He)) thought that at any rate the Governor-General in his capacity of Chancellor could get the information, and once got there would be no difficulty in communicating it to the House - if the Administration were really desirous of giving full information to the public. He would like to add to Mr. Price's motion a request that a copy of the Minutes of the University Council from the date of the first Professor's appointment be also communicated to the House.⁶⁵

The Attorney-General ((MR. J. SMITH)) thought the motion had better be deferred until to-morrow, when he would be prepared to say whether his Excellency could ... ((give the desired)) information in his capacity of Chancellor.⁶⁶

MR. PRICE agreed to defer his motion until to-morrow - though he had no expectation of getting any information by the free will of the officers of the University.⁶⁷

((WITHDRAWN BILL RE: DUTY ON AGRICULTURAL PRODUCE AND LIVESTOCK.))⁶⁸

MR. ((HENRY)) SMITH, of Frontenac, brought in a bill to impose duties on agricultural produce imported from the neighboring republic. It was merely a facsimilie (sic) of the bill introduced last session by the late Administration; for which, although he seldom had anything to say in their favor, he gave them great credit, its influence merely extended to a year from the date of its becoming law and contained an additional clause legalising its repeal by any subsequent Act of this session. Having taken some trouble to discover if the present Act had caused any increase in the revenue; he had found it was immense and being unwilling that the province should suffer any loss had brought in the bill thus early in the session, in consequence of the expiration of the Act of last session early in January.⁶⁹

((MR. ROBLIN seconded the motion.))⁷⁰

MR. SOLICITOR GENERAL ((H.)) SHERWOOD. - I really wish the hon. member from Frontenac had not introduced this Bill. If there is a subject peculiarly in the keeping of Government it is the regulation of duties. The hon. member knows well it is the intention of Government to introduce a general Customs Bill and to embrace the provisions of this Act in it.⁷¹ He did not know of a single case in English practice of individual members taking such important measures out of the hands of the Government.⁷²

MR. ((HENRY)) SMITH. - Mr. Speaker, there certainly is great want of unanimity among the members of the present Administration. I mentioned the very first day of the Session when I introduced this Bill that I did not wish to interfere with any of the Government measures, but that from the shortness of the time now to elapse in which the existing law would expire, I was desirous that a Bill should be passed through the House as speedily as possible to prevent any ... ((harm to)) the revenue. The Act in question will expire on the 5th of January, and if the Bill which I now propose were to pass immediately through both branches of the Legislature, there will be barely time to give information of the fact to the distant Custom House Officers. I am not, Sir, a supporter of the late Administration, but I must say that this Bill which I wish now to prevent expiring is a most excellent Bill - and has been the great cause of the flourishing state of the revenue. (Loud cries of hear, hear.) The remarks of the Solicitor General, Sir, are additional proof of the necessity of having the Attorney General of Upper Canada in this House.⁷³

Loud cries of hear, hear, from the Opposition, and symptoms of utter astonishment in the Treasury Benches.⁷⁴

((MR. HENRY SMITH:)) I spoke to the Attorney General of Upper Canada on the subject of this Bill and he said he would speak to the Attorney General of Lower Canada - they knew I had given notice of this Bill and yet I have heard nothing from them in regard to it. However, if the Government will say that they take the responsibility of protecting the farmers from the incalculable injury which they would sustain by the present Bill expiring - I shall withdraw my Bill.⁷⁵

MR. SOLICITOR GEN. ((H.)) SHERWOOD remarked that the hon. gentleman who had just sat down had made use of an observation which he had hardly expected to hear from him - that there was a want of unanimity among the members of the Administration. Such was not the fact. (Hear!) If the hon. gentleman had consulted parliamentary (sic) usage, he would have found that the proper mode for him to pursue in such a case, was to ask a question of the Government if they intended to introduce such and such a measure. If he had done that in the present instance, there would have been no difficulty in the matter.⁷⁶

MR. ATTORNEY GENERAL ((J.)) SMITH stated on behalf of the Government, that a general measure was preparing, in which would be introduced the provisions of the Bill of the late Administration. (Hear, hear.) He would not, however, hurry through this Bill for the particular object of preventing the expiration for a few days.⁷⁷

Cries of "Hear," from the Opposition.⁷⁸

((MR. ATTORNEY GENERAL J. SMITH:)) He could not see any grounds for the charge of want of unanimity made by Mr. ((Henry)) Smith.⁷⁹ When he (the Attorney General) was spoken to on the subject of the hon. member for

Frontenac's Bill, he had made no objection to its being introduced, with the understanding that it should lay on the table until it was ascertained whether the general Bill of the Government could be carried through in time. If it could not, then the hon. member's bill might go through.⁸⁰

MR. HENRY SMITH. - That is precisely what I intended, and therefore am I astonished at the remarks of the Solicitor General.⁸¹

MR. MOFFATT said, that according to the system of Responsible Government - a system which he wished to see carried out faithfully - this half-and-half way of doing business would be an interference with the proper responsibility of the Government. If the Government intend to move in this matter at all, the responsibility ought to rest entirely with them.⁸² The Hon. Member for Frontenac should have asked a question whether such a measure would be introduced by the Government, and then have left the responsibility with them.⁸³

MR. ROBINSON was afraid that between two stools the Bill would fall to the bottom. From what had been stated by the Attorney General there could be no objection to allow the Bill to be on the table.⁸⁴

MR. MALCOLM CAMERON said that it was almost impossible that the Government measure could pass before the 5th of January, when the existing law expired. If, as it was understood, the present duties were to be increased, it would require a great deal of deliberation, and would lead to considerable discussion. The Government might also find some opposition from their own friends on that point, whilst others would be desirous to get the duties increased as much as possible.⁸⁵ A measure of such importance could not possibly pass through the House without much discussion, and only about twenty-five days would elapse when the present Act for the imposition of duties on agricultural produce and livestock imported from the United States would expire. The time was, therefore, quite short enough even for the Bill proposed by the Hon. Member for Frontenac to get through the House.⁸⁶

Attorney General ((MR. J.)) SMITH had never said that it was the intention of the Government to increase the duties; the Hon. Member for Lanark had in that respect fallen into an error. But he would be quite willing that the bill should be introduced and lie on the table.⁸⁷

MR. ROBLIN had seconded the motion before the House, but he had no desire to interfere with the Government; if the bill was laid on the table, he was afraid that there would not be sufficient time for securing the object of the measure; however, he would advise his hon. friend to withdraw the bill, and leave the responsibility upon the Administration. There had been a great deal said in the country against the late Administration for making this bill expire just at a time when the Yankees could get over their produce, and it was but fair that their successors should have an opportunity of showing how much better they can do. After so long time had expired - after having a year to prepare their measures - he thought it was

not creditable to the present Ministry to come before the House so totally unprepared. He called on them to bring forward their measures.⁸⁸

MR. JOHNSTON requested Mr. Smith not to withdraw his motion, but to allow it to lie on the table; as there were no means of ascertaining whether the Custom's bill would pass. That depending altogether on its formation.⁸⁹

MR. MORIN thought the Government sho'd bring in the short bill as well as the long one. The long one perhaps, would not be passed in sufficient time, and the province would consequently suffer loss. He did not approve of private members taking the responsibility of such important measures off the administration.⁹⁰

MR. LAFONTAINE was surprised at the course pursued by the hon. gentlemen on the Treasury Benches. There was no possibility of discovering what really were the views of Government - to all appearance Mr. James Johnston was their spokesman. (Laughter.) The Opposition and the House had a right to know who is the leader of the Administration. The hon. Solicitor General first passes censure upon the hon. member for Frontenac for introducing the bill in question, and then the hon. Attorney General expresses his willingness that it be introduced and laid on the table! That was a very irregular way to conduct the business of the Government.⁹¹

MR. GOWAN could understand the feelings of the honorable Member for Frontenac who represented one of the largest agricultural counties in the Province, and was therefore naturally anxious to protect the interests of his constituents - more particularly as the present law expires on the 5th of the approaching month. On these grounds, Mr. Gowan also thought that the Bill should be allowed to lie on the table, because the Customs' Bill might contain many clauses which would require deliberation, and it would be impossible to pass it in time, in which case great injury would result to the agricultural interest, as well as to the revenues of the Province. He considered it unfair to expect that the members of the administration, who had only been a short time in office should be prepared immediately with their measures. Under these circumstances he would vote for receiving the Bill, and if any delay should take place, for passing it immediately, so as to protect the agricultural interests of the Province.⁹²

Attorney General ((MR. J.)) SMITH rose to answer the question of the Hon. Member for Terrebonne.⁹³ The leader of the House, they were well aware, must be a member of the Executive Council, - and under present circumstances, he had the honour to hold that position.⁹⁴ ((He)) begged to inform Mr. Lafontaine that however feebly, or however imperfectly he may discharge the duties, yet still he fills the position of head of the administration.⁹⁵ He had never conceived the course taken by the hon. member from Frontenac improper - he was quite at liberty to lay his bill on the table - but whether he did or not, he (the Attorney General) would introduce a short Bill of his own for the same object, and take no notice of any other.⁹⁶

He had before stated his intention to bring in a Custom's bill embracing all the different exciseable articles, but he would inform the House further, that if it were not possible to pass it through in time, a short bill, exactly similar to Mr. Smith's, should be introduced by the administration. All his explanations were offered in perfect good faith; and as experience was always dearly purchased, he would endeavor to endure cheerfully the castigations which he would doubtless receive for his ignorance of Parliamentary form.⁹⁷

MR. LAFONTAINE expressed his belief that the hon. Attorney General could not possibly commit any blunders in Parliamentary practice, after the knowledge of constitutional law which he had exhibited in his lectures to the House on Friday last.⁹⁸

MR. ((HENRY)) SMITH withdrew his Bill⁹⁹, with the understanding that the administration would (sic) introduce a similar measure.¹⁰⁰

FOOTNOTES - 9 DECEMBER 1844.

1. The following was reported by: MONTREAL TRANSCRIPT, 10 December 1844; and in identical reports by ST. CATHARINES JOURNAL, 19 December 1844, and EXAMINER, 25 December 1844.
2. ST. CATHARINES JOURNAL, 19 December 1844.
3. IBID.
4. MONTREAL TRANSCRIPT, 10 December 1844.
5. This was reported by: GLOBE, 24 December 1844; and in identical accounts by ST. CATHARINES JOURNAL, 19 December 1844, and EXAMINER, 25 December 1844.
6. ST. CATHARINES JOURNAL, 19 December 1844.
7. This was reported in identical accounts by: ST. CATHARINES JOURNAL, 19 December 1844, and EXAMINER, 25 December 1844.
8. ST. CATHARINES JOURNAL, 19 December 1844.
9. IBID.
10. This was reported by: ST. CATHARINES JOURNAL, 19 December 1844, and EXAMINER, 25 December 1844, in identical accounts; MONTREAL TRANSCRIPT, 20 December 1844; BRITISH COLONIST, 20 December 1844; and by MONTREAL GAZETTE, 10 December 1844, BRITISH WHIG, 13 December 1844, and GLOBE, 24 December 1844, in identical accounts, except the GLOBE contains some speeches not found in the MONTREAL GAZETTE and the BRITISH WHIG.
11. GLOBE, 24 December 1844.
12. IBID.
13. MONTREAL GAZETTE, 10 December 1844.
14. GLOBE, 24 December 1844.
15. This matter was reported by: MONTREAL TRANSCRIPT, 10 December 1844; LE JOURNAL DE QUEBEC, 17 December 1844; and ST. CATHARINES JOURNAL, 19 December 1844, and EXAMINER, 25 December 1844, in identical accounts.
16. ST. CATHARINES JOURNAL, 19 December 1844.
17. MONTREAL TRANSCRIPT, 10 December 1844.
18. This debate was reported by: GLOBE, 24 December 1844, in an account identical to but longer than that of MONTREAL GAZETTE, 10 December 1844; BRITISH WHIG, 13 December 1844, copied from the MONTREAL GAZETTE and the MONTREAL COURIER; BRITISH COLONIST, 20 December 1844, whose report is identical to but shorter than that of MONTREAL GAZETTE, 10 December 1844; MONTREAL TRANSCRIPT, 10 December 1844; and in identical accounts by ST. CATHARINES JOURNAL, 19 December 1844, and EXAMINER, 25 December 1844.
19. GLOBE, 24 December 1844.
20. MONTREAL TRANSCRIPT, 10 December 1844.
21. GLOBE, 24 December 1844.
22. MONTREAL TRANSCRIPT, 10 December 1844.
23. IBID.
24. IBID.
25. IBID.
26. This notice was reported in identical accounts by: ST. CATHARINES JOURNAL, 19 December 1844, and EXAMINER, 25 December 1844.
27. ST. CATHARINES JOURNAL, 19 December 1844.
28. This exchange was reported by: MONTREAL TRANSCRIPT, 10 December 1844; GLOBE, 24 December 1844; and in identical accounts by BRITISH COLONIST, 20 December 1844; and MONTREAL GAZETTE, 10 December 1844. The BRITISH WHIG,

13 December 1844, copied its report from the MONTREAL GAZETTE and the MONTREAL COURIER.

29. MONTREAL TRANSCRIPT, 10 December 1844.

30. MONTREAL GAZETTE, 10 December 1844.

31. GLOBE, 24 December 1844.

32. MONTREAL TRANSCRIPT, 10 December 1844.

33. These questions and answers were reported by: LA MINERVE, 12 December 1844; MONTREAL TRANSCRIPT, 10 December 1844; ST. CATHARINES JOURNAL, 19 December 1844, and EXAMINER, 25 December 1844, in identical accounts; and by the GLOBE, 24 December 1844, MONTREAL GAZETTE, 10 December 1844, and BRITISH COLONIST, 20 December 1844, also in identical reports. The BRITISH WHIG, 13 December 1844, copied its report from the MONTREAL GAZETTE and the MONTREAL COURIER.

34. MONTREAL GAZETTE, 10 December 1844.

35. MONTREAL TRANSCRIPT, 10 December 1844.

36. GLOBE, 24 December 1844.

37. MONTREAL TRANSCRIPT, 10 December 1844.

38. IBID.

39. GLOBE, 24 December 1844.

40. ST. CATHARINES JOURNAL, 19 December 1844.

41. These questions and answers were reported by: GLOBE, 24 December 1844; MONTREAL GAZETTE, 10 December 1844, and BRITISH COLONIST, 20 December 1844, in identical accounts; and MONTREAL TRANSCRIPT, 10 December 1844. The BRITISH WHIG, 13 December 1844, copied its report from the MONTREAL GAZETTE and the MONTREAL COURIER.

42. MONTREAL GAZETTE, 10 December 1844.

43. IBID.

44. IBID.

45. IBID.

46. IBID.

47. IBID.

48. IBID.

49. IBID.

50. IBID.

51. IBID.

52. IBID.

53. IBID.

54. IBID.

55. IBID.

56. GLOBE, 24 December 1844, which incorrectly identified the speaker as J. S. Macdonald.

57. IBID.

58. IBID.

59. This was reported by: GLOBE, 24 December 1844; and MONTREAL TRANSCRIPT, 10 December 1844.

60. GLOBE, 24 December 1844.

61. IBID.

62. MONTREAL TRANSCRIPT, 10 December 1844.

63. GLOBE, 24 December 1844.

64. MONTREAL TRANSCRIPT, 10 December 1844.
65. GLOBE, 24 December 1844.
66. IBID.
67. IBID.
68. This debate was reported by: MONTREAL TRANSCRIPT, 10 December 1844; ST. CATHARINES JOURNAL, 19 December 1844, and EXAMINER, 25 December 1844, in identical accounts; MONTREAL GAZETTE, 10 December 1844, copied by BRITISH WHIG, 13 December 1844, and BRITISH COLONIST, 20 December 1844, in an account identical to but shorter than that in the MONTREAL GAZETTE; and GLOBE, 24 December 1844. Some, but not all, of the speeches in the GLOBE and the MONTREAL GAZETTE are reported in identical words.
69. ST. CATHARINES JOURNAL, 19 December 1844.
70. GLOBE, 24 December 1844.
71. IBID.
72. ST. CATHARINES JOURNAL, 19 December 1844.
73. GLOBE, 24 December 1844.
74. IBID.
75. IBID.
76. MONTREAL GAZETTE, 10 December 1844.
77. GLOBE, 24 December 1844.
78. IBID.
79. ST. CATHARINES JOURNAL, 19 December 1844.
80. GLOBE, 24 December 1844.
81. IBID.
82. IBID.
83. MONTREAL GAZETTE, 10 December 1844.
84. IBID.
85. MONTREAL TRANSCRIPT, 10 December 1844.
86. MONTREAL GAZETTE, 10 December 1844.
87. IBID.
88. GLOBE, 24 December 1844.
89. ST. CATHARINES JOURNAL, 19 December 1844.
90. IBID.
91. GLOBE, 24 December 1844.
92. MONTREAL TRANSCRIPT, 10 December 1844.
93. MONTREAL GAZETTE, 10 December 1844.
94. GLOBE, 24 December 1844.
95. ST. CATHARINES JOURNAL, 19 December 1844.
96. GLOBE, 24 December 1844.
97. ST. CATHARINES JOURNAL, 19 December 1844.
98. GLOBE, 24 December 1844.
99. IBID.
100. ST. CATHARINES JOURNAL, 19 December 1844.

TUESDAY, 10 DECEMBER 1844.

(30)

Address in answer to Speech.

AT the hour appointed Mr. Speaker and the House attended upon His Excellency, the Governor General, with the Address of the House.

And being returned,

Mr. Speaker reported that the House had attended upon His Excellency, the Governor General, with their Address in answer to the Speech of His Excellency to both Houses of the Legislature, at the opening of the present Session of the Provincial Parliament, to which His Excellency was pleased to make the following answer:--

Gentlemen of the Legislative Assembly--

I thank you cordially for this Address and for the assurance of support which it conveys, and I confidently rely upon your assistance in my endeavours to administer the Government for the benefit of the people.

Recognizances for contested Elections.

Mr. Speaker acquainted the House that Francois Cadoret, and Donald George Morison, had entered into the usual recognizance required by law, on the subject matter of the contested election for the county of

St. Hyacinthe.

Also,

That Paul Lepper and John Wilson had entered into the usual recognizance required by law, on the subject matter of the contested election for the county of Megantic.

Also,

That James Durand, Esquire, Theodore Hart and John E. Mills, had entered into the usual recognizance required by law, on the subject matter of the contested election for the West Riding of the county of Halton.

And also,

That Joseph Hilarion John and John Macdonell had entered into the usual recognizance required by law, on the subject matter of the contested election for the county of Yamaska.

Petitions brought up.

The following Petitions were severally brought up and laid on the table:--

By Mr. Lacoste, the Petition of John Glen and others, trustees of the Longueuil and Chambly Turnpike Road.

By Mr. Jobin, the Petition of Guillaume D'Eschambault, of the village of Laprairie de la Magdelaine.

By Mr. Foster, the Petition of Joseph Elie and others, inhabitants of Shefford Mountain; and the Petition of the Directors of the Shefford Academy.

By Mr. Bertrand, the Petition of Joseph Ouellet, of the parish of Trois Pistoles, in the county of Rimouski, in the district of Quebec.

By the Honourable Mr. Solicitor General Sherwood, the Petition of J. G. Barthe and others, Electors of the county of Yamaska; and the Petition of Noah C. W. Cannon, of the city of Toronto.

By Mr. Christie, the Petition of the Honourable Baron Grant de Longueuil and others, of the town of Dorchester, commonly called St. Johns; and the Petition of Alexander Joseph Wolff, of the parish of St. Ambroise, in the county and district of Quebec.

By Mr. Thompson, the Petition of Daniel Hover and others, inhabitants of the county of Haldimand; the Petition of Robert F. Cooke and others, inhabitants of the county of Haldimand; and the Petition of James Applebee and others, inhabitants of the county of Haldimand.

By Mr. Dickson, the Petition of Charles Richardson and others, inhabitants of the town and district of Niagara.

By Mr. Cummings, the Petition of M. N. Corry, M.D., and others, inhabitants of the township of Stamford.

By the Honourable Mr. Moffatt, the Petition of the Faculty of Medicine, in connexion with the University of McGill College; the Petition of Henry William Harris, Captain in Her Majesty's 24th Regiment of Foot; and the Petition of the Committee of Management and trustees of the Canada Baptist Missionary Society.

By Mr. Hall, the Petition of John Gilchrist, of Peterborough.

By Mr. Greive, the Petition of the Honourable D. Mondelet, Resident Judge, and others, inhabitants of the town of Three Rivers.

By Mr. Hale, the Petition of the Reverend C. Jackson and others, Members of the Episcopal Clergy in the diocese of Quebec.

By the Honourable Mr. Aylwin, the Petition of Richard Charles Porter and others, freeholders and electors of the county of Megantic; and the

Petition of the Reverend John Borland and others, inhabitants of the city of Quebec.

By Mr. M'Connell, the Petition of Alvan Williams and others, inhabitants of West Bolton, in the county of Stanstead; and the Petition of W. G. Cooke and others, Trustees of the Charleston Academy.

By the Honourable Mr. DeBleury, the Petition of Joseph Bouchette, of the Surveyor General's Department.

(31)

By Mr. Brooks, the Petition of the Reverend E. J. Sherrill and others, inhabitants of Eaton; the Petition of Israel Rice, of the township of Ham, in the district of St. Francis; and the Petition of Heman Bangs, of the township of Stanstead.

By Mr. Gowan, the Petition of William Duncan and others, freeholders of the county of Lanark; and the Petition of A. W. Playfair, senior, and others, freeholders of the county of Lanark.

By the Honourable Mr. Baldwin, the Petition of Gilbert M'Micking, Esquire, and others, electors of the South Riding of the county of Lincoln.

By Mr. Scott, the Petition of Leonard Boivin and others, electors of the county of St. Hyacinthe.

Petitions referred. Ordered, That the Petition of E. L. Hayden and others, inhabitants of Sorel and Yamaska, be referred to the Special Committee, to which was referred the Petition of John McPerson and others, inhabitants of Crane Island, and of the parishes of St. Thomas, Cap St. Ignace, and other places.

Effy M'Cuaig and others. Ordered, That the Petition of Effy M'Cuaig and others, tenants of the seigniorie of New Longueuil, be referred to the Special Committee, to which was referred the Petition of Saveuse De Beaujeu, of Coteau du Lac.

Municipal Council of the Niagara district. Resolved, That the Petition of the Municipal Council of the district of Niagara, (relating to the Returns of Lands); the Petition of the Municipal Council of the district of Niagara, (relating to Fish); the Petition of the Municipal Council of the district of Niagara (relating to Temperance Houses); the Petition of the Municipal Council of the district of Niagara (relating to macadamized roads); the Petition of the Municipal Council of the district of Niagara (relating to the administration of Justice); and the Petition of the Municipal Council of the district of Niagara (relating to a tax on dogs); be referred to a Select Committee, composed of Mr. Cummings, Mr. Dickson, Mr. Murney, Mr. Chalmers, and Mr. Thompson, to examine the contents thereof and to report thereon, from time to time, by Bill or otherwise; with power

to send for persons, papers, and records.

On motion of Mr. Stewart, of Bytown, seconded by Mr. Seymour,

Broken lot O,
in Bytown.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, any Correspondence between His Excellency and the principal Officers of Her Majesty's Ordnance in this Province, the Commissioner of the principal Officers of Her Majesty's Ordnance residing in Bytown, and of any Correspondence from the Commander of the Forces in this Province, in reference to broken lot O, within the limits of the town Bytown, since the ninth day of December, 1843, up to this date.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

On motion of Mr. Meyers, seconded by Mr. Murney,

River Trent
Navigation.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, an account in detail of all moneys raised by sale of Debentures, under and by virtue of an Act of the Legislature of the late Province of Upper Canada, entitled "An Act granting to His Majesty, a sum of money, to be raised by Debenture for the improvement of the navigation of the river Trent," passed in the seventh year of the Reign of His late Majesty, King William the Fourth, cap. 66, and a detailed statement of the expenditure thereof.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

On motion of the Honourable Mr. Baldwin, seconded by Mr. Price.

Halton con-
tested Election.

Ordered, That the Petition of James Durand, Esquire, of Dundas, in the county of Halton, in the Gore district, complaining of the undue election and return of James Webster, Esquire, be taken into consideration by this House on Thursday, the nineteenth December, instant, at the hour o'clock, P.M., and that notice to the effect, in writing, be forthwith given by Mr. Speaker, to the Petitioner and the sitting Member, according to the provision of the second clause of an Act, passed by the Parliament of Upper Canada, during the fourth year of the Reign of His late Majesty, George the Fourth, chapter four.

On motion of the Honourable Mr. Baldwin, seconded by Mr. Price,

Oxford con-
tested Election.

Ordered, That the Petition of the Honourable Francis Hincks, of the city of Montreal, complaining of the undue election and return of Robert Riddell, Esquire, be taken into consideration by this House, on Friday, the twentieth day of December, instant, at the hour of four o'clock, P.M., and that notice to that effect, in writing, be forthwith given by the Speaker, to the Petitioner and sitting Member, according to the provision of the second clause of an Act, passed by the Parliament of Upper Canada, during the fourth year of the Reign of His late Majesty, George the Fourth, chapter four.

Solicitor General ((MR. H.)) SHERWOOD¹ moved that the petition of Samuel Wood and others, complaining of the undue return of Hamilton Merritt, Esq., be taken up on Thursday the 19th instant.²

MR. THOMPSON requested the Solicitor General would defer the period for taking the question up - Mr. Merritt being detained from the House by very extraordinary circumstances. He (Mr. T.) had received a letter from him, informing him that it would be impossible to take his seat this month; and being occupied with other matters he had forgotten to send a list of his witnesses.³

The Solicitor General ((MR. H. SHERWOOD)) - perhaps he will be here before the date specified, and if not, of course it can be deferred then.⁴ If a longer time should be required, it could be moved for on the day which he had named.⁵

(31)

On motion of the Honourable Mr. Solicitor General Sherwood, seconded by Mr. Robinson,

Lincoln con-
tested Election.

Ordered, that the Petition of Samuel Wood, and others, electors of the North Riding of the county of Lincoln, district of Niagara, complaining of the undue election and return of William Hamilton Merritt, Esquire, be taken into consideration by this House, on Thursday, the nineteenth day of December, instant, at the hour of four o'clock, P.M.; and the notice to that effect, in writing, be forthwith given by the Speaker to the Petitioners and sitting Member, according to the provision of the second clause of an Act, passed by the Parliament of Upper Canada, during the fourth year of the Reign of His late Majesty, George the fourth, chapter four.

On motion of the Honourable Mr. Baldwin, seconded by Mr. Price,

County of
Middlesex
contested
Election.

Ordered, that the Petition of William Notman, of Dundas, in the Gore district, complaining of the undue election and return of Edward Erma-tinger, Esquire, to represent the county of Middlesex, in this present Parliament, be taken

into consideration by this House, on Thursday, the sixteenth day of January

(32)

next, at the hour of four o'clock, P.M., and that notice to that effect, in writing, be forthwith given by the Speaker to the Petitioner and the sitting Member, according to the provision of the second clause of an Act, passed by the Parliament of Upper Canada, during the fourth year of the Reign of His late Majesty, George the Fourth, chapter four.

Duties on
Agricultural
Produce.

Ordered, that the Honourable Mr. Attorney General Smith have leave to bring in a Bill to continue for a limited time, the Act for imposing duties on Agricultural Produce, and Live Stock, imported

into this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time to-morrow.

Grenville con-
tested Election.

According to Order, the House proceeded to take into consideration the motion which was made yesterday, "that the Petition of William Harris and others, freeholders of the county of Grenville, in the district of Johnstown; and the Petition of R. Burritt and others, freeholders of the county of Grenville complaining of the undue election and return of Hamilton D. Jessup, Esquire, to represent the said county in Parliament, be taken into consideration by the House, on the twenty-third instant, at the hour of four o'clock, P.M., and that notice to that effect, in writing, be forthwith given by the Speaker to the Petitioner, and the sitting Member, according to the provision of the second clause of an Act, passed by the Parliament of Upper Canada, during the fourth year of the Reign of His late Majesty, King George the Fourth, chapter four.

And the question being put upon the said motion, it was unanimously agreed to by the House, and ordered accordingly,

Then, on motion of the Honourable Mr. Attorney General Smith, seconded by Mr. Riddell,

The House adjourned.

APPENDIX, 10 DECEMBER 1844.

((WITHDRAWN MOTION RE: CONSIDERATION OF CIVIL LIST.))⁶

MR. CHRISTIE moved that the House go into Committee of the whole on Friday next, on the subject of the Civil List, with a view to reduce and fix the salaries of the Officers of the Government.⁷

Attorney-General ((MR. J.)) SMITH hoped the Hon. Member for Gaspé would not press his motion. The subject had been mentioned in the Speech from the Throne, and was now under the consideration of the Government with a view to bringing before the House a measure having the same object as that proposed by the Hon. Member. He had no doubt the Hon. Member would therefore withdraw the present motion.⁸

MR. CHRISTIE should not press the motion after the assurance which had been given by the learned Attorney-General, whose declaration on the subject was quite satisfactory. ((He withdrew the motion.))⁹

FOOTNOTES - 10 DECEMBER 1844.

1. The debate on this matter was reported by: LA MINERVE, 12 December 1844; ST. CATHARINES JOURNAL, 19 December 1844, and EXAMINER, 25 December 1844, in identical accounts; and MONTREAL GAZETTE, 12 December 1844, BRITISH COLONIST, 20 December 1844, GLOBE, 24 December 1844, and L'AUORE, 12 December 1844, also in identical accounts.
2. ST. CATHARINES JOURNAL, 19 December 1844.
3. IBID.
4. IBID.
5. MONTREAL GAZETTE, 12 December 1844.
6. The debate on this motion was reported by: MONTREAL GAZETTE, 12 December 1844, BRITISH COLONIST, 20 December 1844, GLOBE, 24 December 1844, L'AUORE, 12 December 1844, and CHATHAM GLEANER, 31 December 1844, in accounts identical in most respects, except for a slightly abbreviated report in the CHATHAM GLEANER; and LA MINERVE, 12 December 1844.
7. MONTREAL GAZETTE, 12 December 1844.
8. IBID.
9. IBID.

WEDNESDAY, 11 DECEMBER 1844.

(32)

Trinity
House,
Quebec.

Mr. Speaker laid before the House the Accounts of the Corporation of the Trinity House, Quebec, received in conformity to the 20th section of the Act 4 and 5 Victoria, cap. 15.

(For the said Accounts see Appendix E.)

Also,

Bonds and
Securities.

The Registrar's Report of Bonds and Securities registered, in compliance with the Provincial Act 4th and 5th Victoria, chapter 91.

(For the said Report see Appendix F.)

Also,

Census
Returns.

Census Returns for Lower Canada, prepared in compliance with the provisions of the Act 7 Victoria, chapter 24.

(For the said Returns see Appendix G.)

Recognizance.

County of
Lanark con-
tested Election.

Mr. Speaker acquainted the House that Alexander Fraser, Esquire, the Honourable Henry Graham, and Robert Kerr, Esquire, had entered into the usual recognizance, required by law, on the subject matter of the contested election for the county of Lanark.

Also,

County of
Middlesex.

That William Notman, Luther Hamilton Holten, and Lanson Hilliard, Esquires, had entered into the usual recognizance, required by law, on the subject matter of the contested election for the county of Middlesex.

Also,

County of
Grenville.

That William Harris, Lanson Hilliard and H. B. Smith, Esquires, had entered into the usual recognizance, required by law, on the subject matter of the contested election for the county of Grenville.

Also,

County of
York.

That William Henry Boulton, Melchior Alphonse De Salaberry, and Jean Baptiste Magon, Esquires, had entered into the usual recognizance, required by law, on the subject matter of the contested election for the third Riding of the county of York.

And also,

County of
Norfolk.

That Edward Ermatinger, Melchior Alphonse De Salaberry, and Jean Baptiste Magon, Esquires, had entered into the usual recognizance, required by law, on the subject matter of the contested election for the county of Norfolk.

Petitions
brought up.

The following Petitions were severally brought up and laid on the table:--

By Mr. Cummings, the Petition of the Reverend Henry Von Rohr, of the Evangelical Lutheran Church, in the township of Humberston, in the district of Niagara; and the Petition of Charles White and others, members of the community of the Evangelical Lutheran Church of Humberston.

By Mr. De Witt, the Petition of the Reverend Francois Labelle and others, of the parish of L'Assomption, in the county of Leinster; and the Petition of Marcus Child, Esquire, and others, inhabitants of the county of Stanstead.

By Mr. Racette, the Petition of the Reverend Thomas Pepin and others, of the county of Chambly; the Petition of the Reverend Pierre M. Mignault, founder and superior of the College of Chambly; and the Petition of Mrs. M.A.J. Hertel de Rouville, widow of the late Honourable Lieutenant Colonel C.M. De Salaberry, C.B., and now wife of John Glen, Esquire.

By Mr. Jobin, the Petition of Joseph Daout and others, inhabitants of the island of Montreal, in the district of Montreal; and the Petition of John Clarke and others, inhabitants and proprietors of Cote St. Martin, Longue Pointe, and other places.

By Mr. McConnell, the Petition of Aaron A. Adams and others, inhabitants of the townships of Barnston and Barford; the Petition of Albert Knight and others, Trustees of Stanstead Seminary; the Petition of E. S. Clarke and others, inhabitants of the townships of Farston and Barford; the Petition of Augustus Annett and others, inhabitants of the county of Stanstead; and the Petition of Solomon Steele and others, inhabitants of the township of Stanstead and its vicinity.

By Mr. Prince, the Petition of Jonathan Merry and others, inhabitants of the townships of Sutton and Hatley, in the county of Stanstead.

By Mr. Scott, the Petition of C.C. Grece and others, proprietors, whose

lands are intersected by the Grenville canal; and the Petition of the Revd. Joseph Duquet, and others, of Saint Martin and other parishes.

(33)

By Mr. Riddell, the Petition of John Burwell, Esquire, of Port Burwell, in the district of London.

By Mr. Chabot, the Petition of Pierre Allard and others, inhabitants of the city of Quebec.

By the Honourable Mr. Moffatt, the Petition of Thomas Miles and others, inhabitants of the parish of Chambly; the Petition of the Religious Ladies of the congregation of Our Lady of Montreal; the Petition of the Ladies forming the Committee of Management of the Montreal Lying-in Hospital; and the Petition of Thomas White and others, boot and shoe manufacturers, of Montreal.

By Mr. Christie, the Petition of Felix Fortier, Esquire, Clerk of the Crown in Chancery.

By Mr. Robinson, the Petition of James Dallas, Esquire, Warden, and others, freeholders and inhabitants of the district of Simcoe.

By the Honourable Mr. Papineau, the Petition of Eusèbe Cartier and others, inhabitants of the county of St. Hyacinthe; the Petition of James Blackburn and others, inhabitants of the township of Hull and its vicinity; the Petition of John Egan and others, inhabitants of the county of Ottawa, and of the south bank of the river Ottawa; and the Petition of Antoine Lozeau and others, inhabitants of the seigniorie of La Baie St. Antoine, commonly called Baie du Febvre.

By Mr. Greive, the Petition of Louis Richard Laflesche, and Louis Guillet, Esquires, of the county of Champlain.

By Mr. Hall, the Petition of William Cottingham, of the township of Emily.

By Mr. Drummond, the Petition of the Honourable J.R. Rolland and others, inhabitants and proprietors, of the counties of Chambly, Rouville and other places.

By Mr. Cauchon, the Petition of William Henry Lemoine, Esquire, Returning Officer of the county of Montmorency.

By Mr. Colville, the Petition of E. Colville and others, inhabitants of the parish of St. Anicet.

By the Honourable Mr. Morin, the Petition of S. Derbyshire, Esquire, of the city of Montreal.

By Mr. Boutillier, the Petition of the Municipal Council of the district of St. Hyacinthe, (relating to the College at St. Hyacinthe.)

By Mr. Boulton, the Petition of William Gamble and others, inhabitants of the Home district; the Petition of Charles H. Howard and others, electors in and for the Forth Riding of the county of York; and the Petition of David Duncombe, Esquire, late a candidate for the county of Norfolk, and others, his supporters.

By the Honourable Mr. DeBleury, the Petition of Michel Houle and others, of the city of Montreal, carters.

By the Honourable Mr. Aylwin, the Petition of J. Filteau and others, inhabitants of the parishes of St. Louis de Lotbinière, and St. Jean Les Chaillons in the county of Lotbinière; the Petition of Benjamin Burland, gauger, in the Department of the Customs, and others, landing waiters, at the inland Port of St. Johns; the Petition of the President and Members of the Quebec British and Canadian School; the Petition of Charles Poston and others, inhabitants of the city of Quebec; and the Petition of Alfred Hawkins, of the city of Quebec.

By the Honourable Mr. Attorney General Smith, the Petition of A. Wells and others, inhabitants of Potton, Bolton, and other townships.

By Mr. Smith, of Frontenac, the Petition of the Venerable George Okill Stuart and others, proprietors of lot No. 24, in the first concession of the township of Kingston, in the county of Frontenac.

By the Honourable Mr. Solicitor General Sherwood, the Petition of Michael Aikman, Esquire, of the township of Barton, in the county of Wentworth.

By the Honourable Mr. Lafontaine, the Petition of the Reverend Charles J. Ducharme, Curé of the parish of Ste. Therèse de Blainville, in the county of Terrebonne, (relating to an aid); the Petition of the Reverend Charles J. Ducharme, of the parish of Ste. Therèse de Blainville, in the county of Terrebonne, (relating to an Act of Incorporation); and the Petition of the Reverend Raphael Neyron, Curé of St. Benoit.

Petitions read.

Pursuant to the Order of the Day, the following Petitions were read:--

Of Alfred Wilson and others, inhabitants of the townships of West Millbury, and Innisfil, praying that a grant of the Legislature for certain contemplated improvements in the Penetanguishene road, fully set forth in their Petition to the Board of Works, may be expended upon the said line of road.

Of Henry Carter and others, of the townships of Shefford and Granby, praying for aid to complete a certain road leading into the village of

Granby.

Of Alexander M'Donald, of Montreal, praying to be appointed as a Committee Clerk to the Legislative Assembly.

Of John Russell and others, shoemakers of the town of Cobourg, praying that a duty may be imposed on Leather manufactures imported into this Province.

Of the Reverend J. O. Archambault and others, of the parishes of St. Timothée and St. Clément, complaining of losses and damages sustained by them in consequence of the construction of the Beauharnois Canal, and from the labourers employed thereon, and praying indemnification.

Of Joseph Daigneau and others, proprietors of Lands along the line of the Beauharnois Canal, in the parish of St. Clément de Beauharnois, praying that they may be indemnified for certain damages sustained by them, by reason of the construction of the Beauharnois Canal.

Of Flora Thomson, of the parish of St. Clément de Beauharnois, wife of Joseph Toll, setting forth that her husband, the said Joseph Toll, contracted a second marriage in Wales, in the year 1836, and praying relief by a Bill of Divorce.

Of The Reverend Robert V. Hall and others, of Stanstead, praying that the charter of McGill College at Montreal may be amended; and the management of King's College, at Toronto, may be placed on a satisfactory basis.

Of the Reverend L. Doolittle and others, of the district of St. Francis, praying aid for the support and care of the insane in the said district.

Of the Corporation of Montreal Protestant Orphan Asylum, praying for a continuance of Legislative aid, in support of the said Asylum.

Of George K. Chisholm, Sergeant-at-Arms to the Legislative Assembly, praying for an addition to his salary for the year 1844.

(34)

Of R. G. Belleau and others, inhabitants and tenants, in the county of Quebec, praying for amendments in the Ordinance relating to the turnpike roads in the neighbourhood of Quebec.

Of Hyacinthe Brunet and others, of Ste. Anne, Pointe Claire, and other parishes, praying that a turnpike road may be made from L'Abord à Plouff to the St. Charles road, above the village of Ste. Geneviève.

Of the Corporation of the Ladies of the Catholic Orphan Asylum of Montreal, praying for an aid towards the support of the said institution.

Of the President and Directors of the Mutual Fire Insurance Company of the county of Montreal, praying for certain amendments in the laws relating to Mutual Insurance Companies.

Of John Phelan and others, inhabitants of the county of Two Mountains, praying for aid to erect a bridge over the North River, on the line of the Queen's highway.

Of the Very Reverend Angus Macdonell, Vicar General of the diocese of Kingston, praying for the passing of an Act to secure a sufficient remuneration to the Catholic Chaplain, attending the convicts in the Provincial Penitentiary.

Of the Reverend M. Townsend and others, of the southern part of the county of Rouville, praying for aid to complete the building of an Academy at Clarenceville, and to support the said institution.

Of Francois Cottrell and others, freeholders and censitaires of the seigniorie of St. Antoine de La Baye, in the county of Yamaska, praying for authority to divide the common of the said seigniorie among themselves.

Of the Very Reverend Ed. Crevier, of the parish of St. Hyacinthe, praying aid for the support of the Hospital of the Hotel Dieu at St. Hyacinthe, and that it may be placed among the number of those entitled to public aid.

Of the Corporation of the Education Society, of the district of Quebec, praying for an aid in support of the said Society.

Of the Reverend Louis Proul and others, of the county of Lotbinière, praying for a grant of £400, to enable them to repair certain bridges, and to improve the road leading over certain hills in the said county.

Of Charles Turgeon, of the city of Quebec, lumber merchant, praying to be paid for the rent of a house, and for the use of certain articles furnished by him to the Municipal Council of the district of Quebec.

Of Eugène Archambault, praying such remuneration or indemnification for his services as Clerk of the Municipal Council for the district of Leinster, as the House may think fit to grant.

Of Léon Charles Clément, of the parish Des Eboulemens, in the county of Saguenay, notary, praying for additional remuneration for his services in taking the census of the county of Saguenay.

Of J. B. Duberger and others, electors of the county of Saguenay, praying for an aid towards opening certain roads in the said county.

Of the Municipal Council of the district of Gore, praying that the Common School Act may be amended by abolishing the situation of Township

Superintendents.

Of Patrick M'Gowan, late Sergeant in Her Majesty's 99th Regiment of Foot, praying for a grant of land, or scrip, in consideration of his past services in the army.

Of Gilbert M'Micking, Esquire, of the town of Chippewa, praying to be continued in the possession of certain lots of land, already granted to him by licence of occupation.

Of A. F. Holmes, M.D. and others, the Faculty of Medicine of the University of McGill College, praying that the Act of Incorporation petitioned for by certain medical men of Montreal, be not granted.

Of Messieurs Hamilton and Low, and others, sawmillers and dealers in sawed wood, complaining of certain provisions of the Act for the Inspection and Measurement of Timber, Masts, Spars and Deals, and praying relief.

Of the Right Reverend Patrick Phelan, Bishop of Carrhae, and the Very Reverend Angus Macdonell praying for an aid to complete the erection of the College of Regiopolis, in the town of Kingston.

Of the Municipal Council of the district of Victoria, praying for aid to construct certain bridges in the said district.

Of William Ritchie, Registrar of the county of Sherbrooke, praying for a grant to enable him to make a complete and perfect set of Indices to the Registry Books of the said county.

Of William Ritchie and William Walker, Trustees of the Sherbrooke Academy, in the town of Sherbrooke, in the district of St. Francis, praying for the usual aid in support of the said Academy.

Of Edouard Normand, of the parish of Ste. Marie Madeleine du Cap de la Magdeleine, carpenter, praying an exclusive privilege for a steam ferry at Three Rivers, and an aid to construct a bridge over the river Godfroi in that district.

Of John Reid and Robert Shepherd, of the city of Montreal, praying for the payment of the amount yet due them as contractors on the St. Lawrence canal during its construction.

Of Julia Bell, of the city of Toronto, widow, praying that the pension granted to her late husband for his services as Messenger in the House of Assembly of the late Province of Upper Canada, may be continued to her.

Of Julia Bell, of the city of Toronto, widow, praying for remuneration for the services of her late husband as keeper of the Parliament Buildings

in Toronto, after the removal of the seat of Government.

Of Mrs. Emily Mackie and other ladies, the Committee of the Quebec Infant School, praying for an aid in support of the said School.

Of T. Trigge and others, the Committee of Management of the National School at Quebec, praying for an aid in support of the said School.

Of the Reverend John Cook, D.D., and others, Directors of the Quebec High School, praying for an aid in support of the said School.

Of Miss Mountain and other ladies, the Committee conducting the affairs of the Protestant Female Orphan Asylum of Quebec, praying for a continuance of the aid heretofore granted them for the support of the said Asylum.

Of James Dean and others, of Quebec, merchants, praying to be incorporated as "The Quebec Forwarding Company".

Of Peter Dunn and others, electors of the city of Montreal, setting forth:--

(35)

Montreal con-
tested Election.

That at the Election held in the month of October last past, at the said city of Montreal, for the purpose of choosing and returning two Members to serve in this present Parliament, for the said city, and to represent the same therein, the Honourable George Moffatt, and Charles Clément Sabrevois DeBleury, and Pierre Beaubien, and Lewis Thomas Drummond, also of the said city, Esquires, became, and were Candidates, and that a poll being demanded, John Young, Esquire, the Returning Officer, by himself and his Deputies, proceeded to take, and record the votes of divers of the Electors of the said city, and did otherwise proceed to such Election, and that he, the said John Young, at the close thereof, declared and proclaimed the said George Moffatt, and Charles Clément Sabrevois DeBleury, to be duly elected as Members to serve for the said city of Montreal, and to represent the same in this present Parliament.

That the said Honourable George Moffatt and Charles Clément Sabrevois DeBleury have been illegally elected, and unduly returned, and are not lawfully entitled to sit in Parliament as Members to represent the said city of Montreal, for various good and sufficient reasons, and amongst others, Firstly, Because the streets in which the polling Booths for the various wards into which the city of Montreal is divided, for the purpose of the election of Members to represent it in Parliament, were obstructed in an illegal manner, and that high and strong plank partitions were erected therein, whereby access to the polling Booths to all the Electors indiscriminately was prevented, and before recording their votes, and before access was given to the Electors to the polling Booths, and the Returning

and Deputy Returning Officers, the Electors in the interest of the said Honourable George Moffatt, and Charles Clément Sabrevois DeBleury were forced and compelled to approach the said polling Booth on one side of the said partition, and the Electors in the interest of the said Pierre Beaubien and Lewis Thomas Drummond, were forced and compelled to approach by the other side of such partition,--by means whereof, and of the taking of the votes alternately from each side of the said partition, the majority of the Electors for the three most prominent Wards of the said city, to wit: the Queen's Ward, the St. Lawrence Ward, and the St. Mary's Ward, who were in the interest of the said Pierre Beaubien, and Lewis Thomas Drummond, were placed upon the same footing as the minority who were in the opposite interest, and a large number of votes in the interest of the said Pierre Beaubien, and Lewis Thomas Drummond, which otherwise would have been recorded in favour of the said Pierre Beaubien, and Lewis Thomas Drummond, remained unpolled. Secondly, Because the system of alternate voting, three by three, for the Candidates on each side was carried out and persisted in, during the whole time occupied in polling the votes, at all the Wards of the said city, contrary to Law, without the consent, and against the will of the above named Pierre Beaubien, and Lewis Thomas Drummond, to the manifest advantage of the Candidates so illegally elected, and unduly returned as aforesaid, and with the view of virtually disfranchising the three most populous Wards of the said city, to wit: the Queen's Ward, the St. Lawrence Ward, and the St. Mary's Ward aforesaid. Thirdly, Because free access to the polls was denied to the Electors in all the various Wards of the said city, during the days fixed for polling. Fourthly, Because, in five out of six Wards of the said city, to wit: the Queen's Ward, the St. Lawrence Ward, the East Ward, the West Ward, and the Centre Ward, the Deputy Returning Officers refused, although required by the said Pierre Beaubien, and Lewis Thomas Drummond, their Agents and various Electors to continue to poll votes after the hour of five of the clock in the afternoon of the first day fixed for the polling of votes in the said city. Fifthly, Because, in the sixth, the St. Mary's Ward, the Deputy Returning Officer, Jean Lewis Beaudry, Esquire, was deprived of all power and authority to keep the peace and maintain order, the Military Magistrates and Constables having refused to obey his orders; and because the said Deputy Returning Officer for the said St. Mary's Ward, was on the first day for polling votes, interrupted in taking votes for the said Pierre Beaubien, and Lewis Thomas Drummond, and driven from the polling Booth, together with the said Lewis Thomas Drummond, and a large number of the Electors who were in the act of tendering their votes in favour of the said Pierre Beaubien, and Lewis Thomas Drummond, by the violent interference of a body of Her Majesty's troops, armed with muskets and bayonets, acting under the orders of Henry Corse, Esquire, one of Her Majesty's Justices of the Peace, in and for the district of Montreal, aforesaid, an active and violent partizan of the said George Moffatt, and Charles Clément Sabrevois DeBleury. Sixthly, Because on the morning of the second day fixed for polling votes, the polling Booth in the St. Mary's Ward was in possession of a party of Soldiers, and an Officer of the Eighty-ninth Regiment of Foot, by whom the said Deputy Returning Officer for the said St. Mary's Ward, the

said Lewis Thomas Drummond, and several Electors of the said St. Mary's Ward, then seeking to record their votes in favour of the said Pierre Beaubien, and Lewis Thomas Drummond, were prevented from approaching the said polling Booth. Seventhly, Because during the said two days of polling, the persons of the Electors who approached, or attempted to approach the various polling Booths in the said city, were exposed to danger from the attack of bands of fighting men, hired by the said Honourable George Moffatt, and Charles Clément Sabrevois DeBleury, or by their authorized Agents in this city, also by other bands of fighting men, also hired and brought from the city of Quebec, the township of Rawdon, and other parts of the Province, and paid, fed, and armed with bludgeons, bowie knives, and pistols, and other murderous weapons, for the purpose of intimidating the liberal Electors, and preventing their free access to the polls, and because the said Electors while assembling together, awaiting peaceably an opportunity to record their votes in favour of the said Pierre Beaubien, and Lewis Thomas Drummond, were, in various instances, dispersed and driven from the neighbourhood of the polls, not only by the bands of the fighting men so hired, as aforesaid, but also by troops of Cavalry, and parties of Infantry, acting under the orders of Magistrates, known to be active and violent partizans of the said Hon. George Moffatt, and Charles Clément Sabrevois DeBleury, and refusing to obey the orders of others. Eighthly, Because during the two days of polling, the polling Booths were surrounded by troops of Cavalry, and parties of Infantry, being troops in Her Majesty's service; and because field pieces were placed on several of the public squares, with the sanction of His Excellency Sir Richard Downs Jackson, Commander-in-Chief of Her Majesty's Forces in this Province, who also voted at the said Election for the said Hon. George Moffatt, and Charles Clément Sabrevois DeBleury, and because the city, which bore throughout the appearance of being in a state of siege, was, on the second day, generally understood, and publicly proclaimed by an Officer, high in command, to be under Military controul. Ninthly, Because illegal oaths were administered to various Electors, and various corrupt and illegal devices were resorted to by the said Honourable George Moffatt, and Charles Clément Sabrevois DeBleury, and by one or more of the Deputy Returning Officers, for the purpose of delaying and protracting the enregistration of votes; whereby, and by reason of the various other matters herein complained of, upwards of fifteen hundred Electors entitled and desirous to vote for the said Pierre Beaubien, and Lewis Thomas Drummond, were deprived of the opportunity of doing so, and have been thus virtually disfranchised. Tenthly, Because bribery and corruption were resorted to by the said Honourable George Moffatt, and Charles Clément Sabrevois DeBleury, or their authorized Agents, with a view to induce persons to vote for them the said Honourable George Moffatt, and Charles Clément Sabrevois DeBleury. Eleventhly, Because the said Honourable George Moffatt, and Charles Clément Sabrevois DeBleury, or their authorized Agents, before, during and since the said polling days, kept open houses, and furnished food and strong drinks to various Electors, and other persons, with the view of influencing their suffrages, and of exciting them to violence, and furnished Calèches, Cabs, and other vehicles,

to convey Electors to the polls. Twelfthly, Because many of the votes of persons, having by law no right to vote at the said Election, have been recorded in favour of the said Honourable George Moffatt, and Charles Clément Sabrevois DeBleury. Thirteenthly, Because previous to the said days of polling, the said Honourable George Moffatt, and Charles Clément Sabrevois DeBleury, or their authorized Agents, did organize, or cause to be

(36)

organized, various secret societies, for the purpose of intimidating the Electors of the said Pierre Beaubien, and Lewis Thomas Drummond--the Members of which secret societies, and others acting with them appeared at, and in the neighbourhood of the polling Booths, armed with bludgeons, pistols, bowie knives, and other weapons, communicating with each other by means of secret signs and watchwords, and carrying badges, distinctive of their party. Fourteenthly, Because no legal return of the votes recorded at the St. Mary's Ward of the said city, during the said election, was made by Jean Louis Beaudry, the Deputy Returning Officer for the said St. Mary's Ward, having declared that the Electors of the said St. Mary's Ward, were, by the interference above alluded to, and by other causes, deprived of the right of recording their votes according to law. Fifteenthly, Because all, and every the proceedings had during the said Election, in regard of the said Election, had been vitiated by artifice, intrigue, corruption, partiality, and violence, and were, and are, wholly, and altogether, unconstitutional, illegal, null and void. That your Petitioners are ready, and willing to prove all, each, and every, the allegations in this their petition contained.

Wherefore, your Petitioners humbly pray the consideration of your Honourable House in the premises; and that your Honourable House will set aside the Election of the said Honourable George Moffatt, and Charles Clément Sabrevois DeBleury, as Members to represent the said city of Montreal in Parliament; that your Honourable House will further declare the said election and return to be absolutely null and void, and will order a new writ to issue for the election of two Members to represent the said city in Parliament, according to law, and that your Honourable House will further grant such relief to your Petitioners as may be deemed meet in the premises.

Of the Mayor, Aldermen, and Citizens of Quebec, praying that the measures be adopted to enable them to purchase a certain piece of ground, belonging to the estates of the late order of Jesuits, now occupied by the military Government as barracks, for the purpose of improving the city of Quebec.

After the whole of the Petitions had been received, MR. GOWAN complained of the loss of time occasioned by the present practice of making a separate motion for the reception of each petition. He thought it would be better if they were only read by the Clerk, without the formality of a written motion being put in.¹

After some conversation this was agreed to.²

(36)

Petitions
referred.

Rev. J.O.
Archambault
and others.

Mr. Colville moved, seconded by Mr. Smith of Frontenac³, that the Petition of the Reverend J.O. Archambault and others, of the parishes of St. Timothée and St. Clément, be referred to a Committee of Five Members, composed of Mr. Colville, the Honourable Mr. Papineau, the Honourable Mr. Morin, the Honourable Mr. Moffatt, and Mr. DeWitt, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.⁴

The hon. member ((MR. COLVILLE)) stated that the Government had directed a valuation to be made of the amount of loss sustained, and the persons employed to make the estimates had made their report; but upon application being made for recompense, the parties were informed that there were no funds that could be applied for that purpose. The petitioners, therefore, prayed the House to cause an enquiry to be made into the circumstances of the case, and to apply such a remedy as it might think proper. He had authority to state that the Government would not oppose the appointment of the Committee.⁵

MR. LAFONTAINE: It was the duty of ministers to determine the case on their own responsibility and then to come to Parliament for assistance if they were prepared to admit the claim. The effect of taking the proposed course would be to shield the ministers from all responsibility by first ascertaining the sense of the House on the subject, after which the ministers would doubtless act in whatever way it was suggested to them to act.⁶

MR. COLVILLE desired only that an enquiry should take place before a Committee of the House into the facts set forth in the Petition.⁷

MR. LAFONTAINE remarked, that the Petition prayed for a grant of money.⁸

Attorney-General ((MR. JAMES)) SMITH said, if he understood the motion made by the hon. member for Beauharnois, an enquiry was prayed for into certain alleged outrages upon the property of the Petitioners; it should, therefore, go before a Committee to investigate and report upon these allegations, when it would be quite time enough to assume the responsibility which devolved upon him as a member of the Government, - but, at the same time, he did not wish to take upon himself⁹ the unnecessary trouble of carrying out measures which did not belong exclusively to Government, and which other gentlemen were willing to undertake¹⁰, and he was not of opinion that the case before the House was of a nature to devolve upon him the immediate responsibility of bringing it before the House. It would be quite time enough to do that when a Committee should have made its report.¹¹

MR. BALDWIN was surprised to hear from the hon. Attorney General, East, that Her Majesty's Government was not bound to take the responsibility of this measure on itself. The claim was one on Her Majesty's Government, and undoubtedly it was for ministers to ascertain whether the claim was or was not a just one. Their conduct was, however, only a part of the new-fangled machinery of Responsible Government, which they were to be persuaded was the genuine article. If they were to be allowed to skulk in this manner, Responsible Government would be nothing more than waste paper. He asked what would be their position if the claims were allowed by the Committee? Why members would come down and say, we take none of the responsibility of this measure, it is one that the House had adopted, and we have nothing to do but to prepare the estimates and see that the money be granted. Suppose, on the contrary, that the committee decided against the petitioners, then the claim is refused, without the responsibility of the decision resting on the ministry. The course which should be taken in such cases was that the party should state his claim for recompense to the Government; if the Government acquiesced in its justice, ministers will come down to the House and ask for a vote of money to meet it; if, on the contrary, they decide against the applicant, he can come down to the House and ask from it the consideration of his claims; and then the ministry will have to explain the reasons why they supposed the demand to be ill-founded. If the house concur in that opinion, of course it will not entertain the petition. But if on the contrary, they should differ from the judgment of the ministers, they will refer the petition to a committee, and the responsibility of denying justice would then rest on the hon. gentlemen opposite. But if they were allowed to go on, in this course of referring petitions to committees, without having first taken them into their own consideration; they would relieve themselves from responsibility on almost every subject, and by a sort of "hocus-pocus" throw it on the House. He (Mr. Baldwin) was for giving Ministers all the support they needed¹².

Ironical cheers from the Ministerial Benches¹³

((MR. BALDWIN resumed:)) or all they deserve rather, but he would not aid them to escape from responsibility; and believing this was an attempt to do so, he should give the motion his decided negative.¹⁴

MR. JOHNSTON said, it would be better for hon. members to follow the rules of the House, and not allow the House ((to)) be turned into a bear-garden. - (A Laugh.) The hon.¹⁵ gentleman read the 47th rule relative to the bringing in of petitions.

MR. GOWAN said, he thought the support which the gentleman who had just sat down wished to give to the Government, was a species of the "hocus-pocus," he had mentioned, (loud laughter.) He thought his professions were something like those of a certain gentleman, who had told them one evening that his shoulders could not be made to fit a silk gown, but the next day it appeared that a silk gown had been made to fit his shoulders, (renewed laughter.) However¹⁶ the hon. gentlemen opposite exhibited a strange inconsistency in

the course which they were taking with respect to the petition before the House. If they would consult English practice they would find scores of instances in which a precisely ... similar step was taken as that adopted by the hon. member for Beauharnois with reference to the petition which he had presented. Indeed, during the administration of the gentlemen opposite, they had allowed a like course to be taken.¹⁷ The property of private individuals had been injured, and ... they came down to the House and asked for redress through independent members.¹⁸ He referred to claims submitted by certain parties in the Johnstown District, for compensation for damage sustained by the opening of a public road, presented to that House by Mr. Morris,¹⁹ a member unconnected with Government, ... ((who)) moved that it might be referred to a Committee, which was granted.²⁰

MR. AYLWIN said, in Lord Sydenham's days.²¹

((MR. GOWAN continued:)) He thought Mr. Wakefield ... during the administration of the hon. gentlemen opposite.²² He conceived that in so doing there was no deviation from the system of Responsible Government. The people possessed a right to petition the House and to complain of grievances whenever they deemed it necessary to do so. He would therefore vote for the reference to a Committee.²³

MR. LAFONTAINE was afraid that the hon. gentleman who had last spoken did not quite understand the question before the House. The hon. member for Beauharnois had stated that the claims of the Petitioners had been investigated on the part of the Government, and that he had its assent to the step which he was now taking. He (Mr. Lafontaine) had no objection to the Government bringing the matter before the House, but it was for those gentlemen to assume the responsibility.²⁴

MR. COLVILLE denied that the petitioners asked for a farthing of money: all that they demanded was an enquiry. He expressed himself willing to withdraw the petition if he received an assurance from the Government that the matter should be looked into, but he was not desirous that his constituents should be bandied about from Parliament to Ministers and from Ministers to Parliament with tales about Responsible Government; and get no redress in the end.²⁵ He did not ... conceive that he was bound to consult the Government when he wished to lay a petition before that House complaining of a grievance or of any wrong. The people had a right to petition that House, and the House was bound to take cognizance of those petitions.²⁶

MR. MORIN addressed the House in French, expressing his opinion that it was the sole duty of the Government to bring the matter of the petition before the House, and to assume the responsibility which might attach to their action upon it.²⁷ ((He)) complained, that his name had been put upon the motion as seconder, without his consent being obtained.²⁸

MR. COLVILLE said, he ought certainly to apologize for having done so, but the hon. gentleman had given his consent to be placed on the Committee so readily, that he (Mr. Colville) had thought he would have no objection

to be seconder of the motion.²⁹

MESSRS. ... CAUCHON ... and CAMERON took part in opposition to the motion.³⁰

MR. H. SMITH called the attention of those gentlemen who were so ready to accuse the Government in the present case of a departure from the practice of Responsible Government, to the course which they pursued when in office, in a case somewhat similar. In 1842, Major Richardson applied by petition to the House for aid in the publication of a serious work,³¹ a book called, "The History of the War in 1812."³² That petition was referred to a Select Committee to report thereupon, and not until that Committee had reported, did the Government of the day, of which the hon. gentlemen were members, take up the matter and advise the Head of the Government to recommend a grant to carry out the report of the Select Committee. - (Hear).³³ Major Richardson had received a grant ... of the sum of £250 in aid of the expenses incurred by him³⁴. The hon. gentlemen had therefore, themselves established a precedent with respect to petitions of the character of that before the House, and yet they now find fault with the Government for allowing a similar course to be taken. - (Hear, hear.)³⁵

MR. AYLWIN rose and observed in reference to the comparison which had been instituted by the Hon. member for Frontenac, between the present case and the case of Major Richardson, he thought there was no similarity between them.³⁶ At the time of the grant mentioned, there were certain individuals in the government who had no seats in that House; amongst whom was himself, if he had been in the House he should have voted against it. He could tell the House, that Major Richardson had extorted £250 from the Country, by constantly importuning individual members, and by working on the benevolent feelings of that good man, Sir C. Bagot. The book was a school book³⁷ to be put into the hands of the ingenious youth of this province,³⁸ and of such a kind, as if read, would produce the worst effects; it was calculated to stir up the strife between the people of Upper Canada and their neighbours on the other side of the river, and to make them regard them as their natural enemies. He was not responsible for the grant.³⁹

MR. DUGGAN wished to ask the Speaker if the hon. member was in order⁴⁰ in not confining himself to the question immediately before the house.⁴¹

The Speaker ((SIR ALLAN MACNAB)) said, the hon. gentleman was clearly out of order, he was reflecting upon the past measures of the House.⁴²

MR. AYLWIN said he would confine himself to the question⁴³. I for one disclaim that vote of the House, I say Major Richardson came in such a shape as to work upon the pity of Sir Chas. Bagot.⁴⁴ Had the responsibility rested with him, he should not have received a farthing, because he thought the book was a bad one⁴⁵.

The Speaker ((SIR ALLAN MACNAB)) again called the hon. gentleman to

order, and told him to confine his remarks to the merits of the question.⁴⁶

MR. AYLWIN continued, as for the merits of the book there are none. (Laughter and cries of order.)⁴⁷ OR The question has no merits - (a laugh.) But I have done - my intention was merely to destroy the parallel sought to be drawn by the hon. member for Frontenac.⁴⁸

MR. ((HENRY)) SHERWOOD - The hon. member says that he is not responsible for what took place while he was a member of the Cabinet.⁴⁹

MR. AYLWIN. - "I did not say that"⁵⁰.

The hon. gentleman ((MR. HENRY SHERWOOD)) ... had stated he was not a member of that House when the grant was voted in favor of Major Richardson, although he was a member of the government. That might be so; but to tell him, (the Solicitor General) that the hon. gentleman was not responsible in common with his colleagues for a recommendation⁵¹ for a vote of money⁵² sent to that House by the Head of the Government, was to tell him that which almost a child could contradict⁵³.

MR. BALDWIN said no doubt he was responsible.⁵⁴

((MR. HENRY SHERWOOD continued:)) The hon. member for the North Riding of York, says now that he was responsible.⁵⁵

MR. AYLWIN remarked that he had said he was not responsible for the charity of Sir C. Bagot.⁵⁶

((MR. HENRY SHERWOOD resumed:)) The hon. member had stated at any rate that if he had been in Parliament he would have voted against the grant. Then why not have the independence to resign, if the recommendation of the Governor General was one that he would not have taken the responsibility of adopting?⁵⁷ The hon. member at least assumed the responsibility by remaining a member of the Government.⁵⁸

MR. BALDWIN. - I understood the hon. gentleman on my left (Mr. Aylwin) as saying that he was not responsible for a vote of the House of which he was not a member.⁵⁹

MR. ((HENRY)) SHERWOOD. - I distinctly understood what he said, and I now ask, how could he being a member of the administration and opposed to the acts of that administration continue to hold his situation? The idea of Responsible Government in the mind of the hon. member seems to be made up of a "Hocus-pocus" which I really cannot understand. It is a perfect inconsistency. The hon. member must have observed, since this

Parliament commenced, that whenever gentlemen on either side have proposed any thing which I thought would trench upon the principles of Responsible Government I have been the first to get up and oppose them and I shall continue to do so whether I am a member or not. But when I find that an application of this kind is made to the House and an objection is raised on the ground that the Government, ought to come down and recommend that the application be entertained and hold itself responsible, I say a doctrine is contended for which every man who understands our constitution and the right of the subject to petition Parliament, must at once condemn. It is absurd to say that a man may not ask this House to investigate his claim and give him redress.⁶⁰ The present petition did not ask for a grant of money, but for investigation, and if the committee were appointed, it would hear the evidence and report upon it, and if that report was in favor of the amount of damage being paid by the country, it would throw upon the administration the responsibility of advising the Governor General to send a message down to the House to recommend the vote of a sum of money for that purpose. He would mention to them the case of Reed and Shepherd on the St. Lawrence Canal, where that course was adopted⁶¹, and if the Government resist a claim which has received the sanction of your report they must assume the Responsibility.⁶²

Hear, hear, from the opposition.⁶³

((MR. HENRY SHERWOOD:)) This in my view is the principle of Responsible Government; the right of petition is one of the dearest rights a subject can possess, and if you deny that right, you might talk about Responsible Government as you please but you destroy its essence - you⁶⁴ do what no British Legislature dare do - deprive the people of their most sacred privileges.⁶⁵

MR. LAFONTAINE desired that the petition might be read in English, remarking that hon. member would perceive that the petition was not for raising money, but that certain losses might be investigated.⁶⁶

The petition was accordingly read.⁶⁷

MR. MURNEY stated that he was authorized to say, that the hon. member for Quebec was the very person who was to have introduced the petition of Major Richardson.⁶⁸

The Speaker ((SIR ALLAN MACNAB)) said the remarks of the honorable gentlemen were out of order.⁶⁹

MR. AYLWIN rose to address the House, but was called to order by the Speaker.⁷⁰

MR. ((ROLLAND)) MACDONALD (Cornwall) said, he hoped the hon. member who had presented this petition would persist in it.⁷¹

Hear, hear, in a peculiar tone from MR. AYLWIN.⁷²

((MR. ROLLAND MACDONALD:)) - I hope that it will be referred.⁷³

Hear, hear, again from MR. AYLWIN, in the same tone.⁷⁴

((M. Aylwin)) fit appeller à l'ordre par M. ((ROLLAND)) MACDONALD ... ((qui)) se plaignait amèrement de pareilles insultes.⁷⁵

La Chambre ... éclatait en murmures.⁷⁶

OR

MR. ((ROLLAND)) MACDONALD said, that if every measure was thus to be obstructed, and so much time lost, by the cry of Responsible Government, the country would find that commodity a very costly one.⁷⁷

Here MR. AYLWIN cried "hear, hear," in a manner which was apparently intended to mimic the voice of the hon. member who was addressing the House.⁷⁸

As the hon. gentleman would not hear what he (MR. ((ROLLAND)) MACDONALD) had to say, perhaps he would like to hear something he had said himself, in the good old times when he was a tory too. "He then said we must show that instead of being a few disappointed pensioners, we are a great party, capable of influencing the motion of the Government - and took an opportunity of eulogizing the hon. member for Montreal; whether that hon. member had changed his opinions, or the hon. member for Quebec had changed his, he (Mr. M'Donald) would leave to others to say.⁷⁹

MR. AYLWIN said he had changed his opinions on that point at least.⁸⁰

MR. ((ROLLAND)) MACDONALD, in continuation, said he would suggest a committee should be appointed to lay down the rules and regulations of Responsible Government, for at present he could not understand how it was that Responsible Government should prevent all petitions from being received by the House, except those sanctioned by Ministers. - The hon. gentleman concluded by mentioning a case which occurred in 1842, in which Mr. Christopher Leggo prayed the House to inquire into the amount of damage he had sustained by the depredations of a mob in the town of Brockville, and had proceeded in the manner now adopted by the hon. member for Beauharnois.⁸¹

The hon. gentleman was a second time interrupted by the mimicry of MR. AYLWIN⁸².

MR. ((HENRY)) SHERWOOD rose and said, I do not object, Mr. Speaker, to members crying "hear, hear," in their natural voice, but when hon. members so far forget the decorum of a legislative body, as to imitate the voices of animals, it is necessary to demand from the Speaker the preservation of order.⁸³ OR It could not be tolerated that gentlemen should attempt to

imitate the voice of hon. members who were addressing the House, with the intention of bringing them into ridicule.⁸⁴

The Speaker ((SIR ALLAN MACNAB)) said the hon. member for Quebec was clearly out of order, and he was sorry to say, had been so several times that evening. He would now read the rule of the House which provided that, "in cases where any hon. member shall persist in disorderly conduct, which the Speaker has declared to be out of order, the Speaker shall call upon him by name, and appeal to the House, which will then request him to withdraw." He said he should be sorry to take the course thus pointed out to him, but his duty to the House obliged him to maintain its rule.⁸⁵

MR. ((ROLLAND)) MACDONALD proceeded to observe that if they were to be met at every turn by warnings from the hon. member for the Third Riding of York, against infringing the principles of Responsible Government, all he could say was, that it would cost the country a good deal for the time consumed in talking alone. - (Hear, hear.) Now, I was one of those who opposed the introduction of Responsible Government, and I can assure hon. members opposite, that the course they are pursuing does not tend to make me more fond of it. - (Hear.)⁸⁶

COL. PRINCE rose and said, he very much feared that if the reference of every petition which came to that House, upon a subject similar to the present, occupied so much time, Parliament would stand a very good chance of being kept together until next September. He believed the whole case lay in a nutshell. A petition was brought up for compensation for losses, and it was received. He thought the objections that were now raised, ought to have been raised against its reception - those objections were now too late. He could not conceive how Responsible Government could be connected with this subject. The question of responsibility could not be involved in the mere question of reference - but after the petition had been referred, and a report made upon it, it would then behoove the Ministry to say whether they would recommend the Government to carry out the report. But if petitions were to be strangled, where was Responsible Government? Were they to strangle petitions, they would bring themselves into disgrace, and would stand lower in the estimation of the country than any Legislature had ever done.⁸⁷

DR. DUNLOP said, that he had always had occasion to confess his deplorable ignorance of Responsible Government, although he had had three years experience of it, and⁸⁸ in four more,⁸⁹ if he should live until this Parliament expires, he should then have had as long practice as is required to make shoes - (a laugh) - and perhaps by that time he should be able to define⁹⁰ and should be an authority on all subjects connected with that insubstantial shadow, which as yet he had never been able to grasp.⁹¹ What was the argument of the opposite party? That a free born Briton had no right to come to that House and say "I have been injured, my crops have

been destroyed, my cattle have been driven away, or lifted, as our ancestors would call it -⁹² my land has been spoiled and I come to you to do me justice." - "No Sir," you must say, "that's not Responsible Government." I have got that length at any rate. We must come and cringe like whipped hounds before the Ministers,⁹³ to the great Bashaws,⁹⁴ and say: "Gentlemen, will you have the goodness to allow us to petition - do for God's sake" - we have suffered considerable, ... they are responsible Ministers, and it is not for us simple members of this House to come and say we have been injured. No! we must say, if you will be kind enough to allow us to say it: "our cattle have been lifted and in fact we have been harried. Will you, Gentlemen, ask his Excellency, if he will ask the House, to see how we have been ill used?" Suppose Ministers to reply, "You are a set of⁹⁵ d--d grumbling fellows - (order, order)⁹⁶. What if your gardens are robbed, and your houses wrecked? who have you to blame for it? Go home and be quiet. There is a great work going on for the good of the country, and no great work can go on without injury to some one or other. Be off home with you." Well then, we are told, when we have been treated in this way, and spurned from the foot of the throne, then, and then only, the House is to take the matter up. If that be Responsible Government it is not the British Constitution, for by it the meanest individual has a right to come and ask for redress. The honble. gentleman opposite has promised to give the Ministers all the support they deserve. I think that will be very little; for I suppose he will not think those who turned him out deserve much support at his hands. The hon. member then stated that they would offer no factious opposition from that side of the House, but I think it was from that side that the opposition was made to read the petition in English, when no one on this side required it. The hon. gentleman who read the petition speaks distinctly - what I wish some other gentlemen would do, who speak French in such a manner that I believe their own countrymen can scarcely understand them - (loud laughter) - and every body I believe understood him. However, it was some advantage to stop the proceedings. But to return to the petition. The poor habitants have been kicked and cuffed, and they come to Government for redress. Government appointed Commissioners who reported in favor of the claim; but then, Government replied again that they had no funds. I hope that was Responsible Government. I hope they have not got to grant money bills without the House yet. They then come to the House; and, Sir, the British Constitution says they should come through their own member; and he comes to demand redress not as a favor but as a right. (Hear, hear.) I have now, Sir, to advert to a painful subject. There is a member of the House who, when he came to the upper part of the Province on official business, was followed, on his leaving, to the water's edge by a majority of the French members, who cheered him as he went off; that was the manifestation of a feeling which should always exist among the members of this House; but, Sir, if the debates are carried on in the manner they have lately been, that kindly feeling will soon be done away with. There is no man more determined in carrying out his own views and those of his party than I am, but I acknowledge the opposite party have, almost to a man, treated me with kindness, gentlemanlike feeling, and consideration, notwithstanding

those indiscretions and weaknesses which if I did not possess, I should be, not a man, but an angel, and I am very unlike one, (laughter.) But Sir (and I speak with deference to you on account of your office,) but Sir, I have to tell you as a friend, as one with whom I have enjoyed uninterrupted friendship during a space longer than the life of a man frequently extends to, - that unless you suppress the proceedings of a certain member on the other side, who has insulted every member of this House, you will find that some of these hon. gentlemen, whose hairs are not silvered with time, as yours are Sir, and mine, and who are indiscreet, as young men must be indiscreet, will resent those proceedings, in a way which the conventional feelings of mankind justify. You and I Sir, are old enough to despise these things, but younger men there are who may resort to measures which will not redound to the credit or respectability of this House.⁹⁷

MR. ((DONALD)) MACDONELL (Stormont) moved that the following words be added to the original motion. "That the Committee be instructed to investigate the claims of individuals who have suffered losses on the Cornwall line of the St. Lawrence Canal."⁹⁸

((There was some further discussion of the amendment, including some remarks by MR. BALDWIN.))⁹⁹

MR. ((DONALD)) MACDONELL withdrew his amendment.¹⁰⁰

((There was)) a short conversation in which MESSRS. ROBINSON, CAMERON, SHERWOOD, AYLWIN and GOWAN took part¹⁰¹.

(36)

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Boulton, Brooke, Chalmers, Christie, Selville, Jennings, Daly, Le Bleumy, De Witt, Dickson, Duggan, Dunlop, Emmetinger, Foster, Gosau, Greene, Guil-let, Hale, Hall, Jessup, Johnston, Lamason, Leslie, Macdonald of CORNWALL, Macdonell of GLENGARRY, Macdonald of KINGSTON, Macdonell of DUNDAS, MacDonell of STORMONT, M'Connell, Meyers, Moffatt, Mumey, Pariseau, Powell, Petrus, Prince, Riddell, Robinson, Roblin, Scott, Seymour, Sherwood of ROCKVILLE, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Smith of WENTWORTH, Stewart of BYTOWN, Stewart of PRESCOTT, Watts, Webster, and Williams--(51.)

NAYS.

Aylwin, Baldwin, Berthelot, Bertrams, Boutillier, Cameron, Jackson, Chabot, Chauveau, Drummond, Galt, Lacoste, Lafontaine, Lantier, Métnot, Morin, Nelson, Price, Rousseau, Small, Taché, and Taschereau--(22.)

So it was carried in the affirmative, and

Resolved accordingly.

Hon. Wm. Walker and others.

Resolved, That the Petition of the Honourable William Walker and others, President, Vice-Presidents, and Directors of the Quebec Library Association, be referred to a Committee of five Members, composed of Mr. Chabot, the Honourable Mr. Aylwin, Mr. Chauveau, Mr. Christie, and Mr. Cauchon, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Corporation Quebec.

Ordered, That the Petition of the Mayor and Corporation of the city of Quebec (relating to Bridges) be referred to the Select Committee to which was referred the Petition of J.G. Tourangeau and others, inhabitants of the city of Quebec, and its vicinity.

McGill College.

Ordered, That the Petition of A.F. Holmes, M.D., and others, the Faculty of Medicine of the University of McGill College, be referred to the Special Committee to which was referred the Petition of Francis C.T. Arnoldi, M.D., and others, lecturers and students in and of the Medical School in the city of Montreal, called the College of Medicine and Surgery.

Ordered, That Mr. Dunlop and Mr. Jessup be added to the said Committee.

Hamilton and Low, and others.

Ordered, That the Petition of Messieurs Hamilton and Low and others, saw-millers and dealers in sawed wood, be referred to the Select Committee to which was referred the Petition of John P. Waterson and others, licensed deal cullers of the city of Quebec.

R.G. Belleau and others.

Resolved, That the Petition of R.G. Belleau and others, inhabitants and tenants in the county of Quebec, be referred to a Committee of five Members, composed of Mr. Chauveau, the Honourable Mr. Aylwin, Mr. Chabot, Mr. Laurin and Mr. Cauchon, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Interpolation in Journals of Assembly.

Mr. Williams, from the Special Committee appointed to investigate and ascertain by whom and in what way the following words, to wit: Tinkers, Barkers, Shavers, Southcotites, Shakers, and Gipsies, were introduced into the Journals of this House in the amendments made by the Honourable the Legislative Council, in the last session of Parliament, to the Bill, intituled, "An Act to enable Religious Societies of all Denominations of Christians in that part of the Province called Upper Canada, to hold Lands for certain purposes therein mentioned," presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is

as followeth:--102

Your Committee have ascertained by the voluntary admission of Mr. G.M. Muir, Clerk of the English Journals of this House, that the words forming the matter of reference for the investigation of your Committee were interpolated by him, in a rough copy of the Journals, intended for the Printer; that the same was done, according to his statement, in a moment of thoughtless levity, with a view merely of startling his brother Clerks of the Establishment, and not with the slightest idea of its being possible that they could ever become part of the printed Journals, as the proof sheet would, as he had reason to expect, in its ordinary course, be compared with the original, and the interpolation be thus corrected. It would, however, appear that at the time that such comparison ought to have been made, no access could be had to the original in question, with which to compare the said proof sheet, in consequence of the records of the Legislative Council being packed up preparatory to their transmission to Montreal, and the interpolations in consequence appeared in the printed Journals.

(37)

Your Committee append to this report the statement submitted to them of the matter under examination by Mr. Muir; and while they exonerate this individual from any intention of falsifying the Journals of the House, they deem it an imperative duty to express their conviction that he took an unwarrantable liberty in the discharge of the solemn trust reposed in him, and has been guilty of a most serious indiscretion, subjecting him to the grave displeasure of your Honourable House.

Your Committee, however, at this same time, take permission to allude to the extenuating circumstances connected with this case, viz., that the admission of the indiscretion is the voluntary act of the offender, while no proof would appear to exist against him, and with a view to prevent the possibility even of suspicion resting upon an innocent person; and they are further pleased to add, that during a long period he has invariably borne the character of a faithful and efficient servant of your Honourable House.

Mr. Muir's Statement.

I am the Clerk of the English Journals of the Legislative Assembly, and in that capacity it is my duty to prepare copies for the printer of various documents to be inserted on the Journals. After the close of the last session I accordingly prepared copies of such documents, and examined them with Mr. Lindsay, except those which related to amendments made by the Legislative Council to Bills sent up from the Assembly; as to which amendments it was understood by us that it would be unnecessary to examine them because the proof sheets of the Journal would be compared with the original before they were signed as correct--this being considered the safer mode to avoid all chance of error.

The copy was therefore made roughly for the printer, and not examined.

In making the copy of the amendments of the Council to the Bill introduced by Mr. Williams, I was struck by the novelty of the names of some of the religious denominations, and I thoughtlessly added some nonsensical words, with no other intention than that of statling my brother officers when they should correct the proof, and without the slightest idea of its being possible that the words I added could ever get into the printed Journals, certain as I felt myself that the proof was to be corrected from the original. Unfortunately this was not done, and, although the singularity of the expressions struck the printer and the officer who corrected the press, neither the original nor the Act of Upper Canada, from which the passage purported to be cited, appears to have been referred to. No application was made to me, and I was not aware of what had occurred until the error had been made public, and corrected by the insertion of a new leaf in the Journals. I now find that the matter is viewed in a much more serious light than I had expected, and as I can neither allow others to be blamed for what was my fault, or consent to prevaricate or say what is untrue to screen myself, I think it right to make this statement. I am aware that by so doing I expose myself to the censure of the House and such punishment as they may think it just to inflict; but I trust that my thus coming forward to acknowledge my error, and bear the penalty it may bring upon me, when, by reason of the destruction of the copy in question, that error could be proved only by my own acknowledgment, will at least convince the Committee that my statement is true, and will ensure my being believed when I say, in doing what I did, I had not the slightest intention to hurt the feelings of any sect or persons whomsoever, or in any way whatever to injure or annoy any one; that I thought it impossible that the words I had inserted could ever pass the corrector of the press, or appear on the Journals, and that I am deeply grieved that by a thoughtless (and I confess a foolish) act I have given pain, offence, or trouble, to any one. I am, moreover, perfectly ready to attest this statement on oath, if the Committee think proper to require it.

G.M. MUIR.

Montreal, 6th December, 1844.

COMMITTEE ROOM,

10th December, 1844.

Special Committee on the annexed order of reference met.

PRESENT.

Mr. Williams, Mr. Meyers, Hon. Mr. Baldwin, Mr. Price, and Mr. Hale.

Mr. Williams in the Chair.

Read the order of Reference.

Mr. Chairman read to the Committee a Statement that had been handed to him by Mr. Muir, the Clerk of the English Journals.

EVIDENCE.

Mr. Patrick, Chief Office Clerk, called, states--That Mr. Vaux, Second Office Clerk, mentioned to him at the time he examined the proof, of those objectionable words appearing in it; he requested him to refer in the first place to the printer's copy, and then to the original documents. Mr. V. did refer to the copy, and found those words legibly written in it, but when endeavouring to examine the original, which was in the possession of the Honourable the Legislative Council, it was either gone to Montreal or packed up ready for that removal; he then said to Mr. V. that the press must not be kept waiting, that if it should turn out to be wrong, the sheet can be reprinted before the distribution; that in his anxiety to comply with the urgent demands of the Members for the Journals, he hurried their completion and the distribution of one copy to each, and in consequence of which, he confessed that he had forgotten the matter, until discovered and made known to him by Mr. Lindsay in October last; he further states that when the circumstance was mentioned to him, though the words appeared ridiculous, he had no apprehension of the manner they were introduced, not having seen them, but barely supposed the possibility that they might have occurred in said amendments.

Mr. Vaux, Second Office Clerk, called, states--That he revised all the proofs of the Journal of the third session of the last Parliament, and proved the latter part of the same; has no doubt he proved and revised the sheet in which the amendments of the Legislative Council to the Bill respecting Religious Societies were inserted; he remembers distinctly that he inquired of the printer whether certain words in said amendments were in the copy, and that the said words were written in the same hand and form as the rest of the copy; that before the sheet was struck off he informed Mr. Patrick, then acting as Deputy Clerk, in the absence of the Clerk of the House, of the insertion in the Journal sheet of the said words; that Mr. Patrick directed him to discover if such words were in the original document, which document was an engrossed Bill in possession of the Legislative Council, and which was then packed up with the records of the said House for removal to Montreal.

Mr. Muir, called, states--That he is Clerk of the English Journals, and in that capacity it is his duty to prepare copies for the printer of the various documents to be inserted on the Journals; after the close of the last session, he prepared such documents, and examined them with Mr. Lindsay, except the amendments made by the Legislative Council to Bills sent up from the Assembly, it being understood by Mr. Lindsay and himself that it was unnecessary to collate those documents at the time, because they would be compared in the proof sheet with the originals of the Council, this being the safer mode to avoid all chance of error; he believes it is the usual practice to correct all documents of importance in the proof sheet with the originals; in the particular instance of the amendments of the Council of the last session, they were not collated by Mr. Lindsay and himself, expressly to ensure the certainty of the correction of the proof

sheet from the originals of the Council; when he inserted the objectionable words in the copy, he was impressed with the absolute conviction that they must be discovered, and omitted, by the corrector of the press, and that they could not appear on the Journals, otherwise he would assuredly not have written them.

A. PATRICK,
Clerk of Committees.

(38)

Ordered, That the said Report be referred to a Committee of the whole House, on Friday next.

Report on Peti-
tion of Ursuline
Ladies of Three
Rivers.

Mr. Greive, from the Special Committee to which was referred the Petition of the Religious the Ursuline Ladies of Three Rivers, presented to the House the report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

That Your Committee have examined the Petition referred to them, and are of opinion that the powers prayed for by the Petitioners should be granted them; they therefore beg leave to recommend that an Act be passed to enable the Ursuline Nuns of Three Rivers to acquire and hold additional, immoveable, and other property, yielding an annual revenue of £1500 currency.

Standing Com-
mittees.

The Honourable Mr. Papineau, from the Select Committee appointed to prepare and report Lists of Members to compose the six Standing Committees ordered by this House, on Thursday last, presented to the House the report of the said Committee, which was again read at the Clerk's table, and agreed to by the House,¹⁰³ and is as followeth:--

Your Committee, in obedience to the order of reference, proceeded to the preparation of Lists of Members who are to compose the Standing Committees, and beg to submit the same to your Honourable House, viz:--

1st--ON PRIVILEGES AND ELECTIONS.

Privileges and
Elections.

The Honourable Mr. Baldwin,
Mr. Cameron,
Mr. Christie,
Mr. Leslie,
The Honourable Mr. Moffatt,
The Honourable Mr. Papineau, and
The Honourable Mr. Sol. Gen. Sherwood.

2nd--EXPIRING LAWS.

Expiring Laws.

The Honourable Mr. Aylwin,

Mr. Cauchon,
 Mr. Chauveau,
 Mr. Robinson, and
 Mr. Sherwood, (Brockville.)

3rd--ON PRIVATE BILLS.

Private Bills.

Mr. Boutillier,
 Mr. Chabot,
 Mr. Duggan,
 Mr. Hale,
 The Honourable Mr. Morin,
 Mr. Murney, and
 Mr. Price.

4th--ON STANDING ORDERS.

Standing
Orders.

Mr. Berthelot,
 Mr. Chauveau,
 Mr. Macdonald, (Kingston),
 Mr. Meyers, and
 The Honourable Mr. Small.

5th--ON PRINTING AND BINDING.

Printing and
Binding.

Mr. Armstrong,
 Mr. Brooks,
 Mr. Dickson,
 Mr. Gowan,
 Mr. Jobin,
 Mr. LeMoine, and
 Mr. Powell.

6th--ON CONTINGENCIES

Contingencies.

Mr. Roblin,
 Mr. DeWitt,
 Mr. Lafontaine,
 Mr. McConnell,
 Mr. Riddell,
 Mr. Stewart, (Bytown), and
 Mr. Williams,

On motion of Mr. Gowan, seconded by Mr. Greive,

Lanark con-
tested Election.

Ordered, That the Petition of Alexander Fraser, Esquire,
 late a candidate for the county of Lanark at the
 last election; the Petition of William Duncan and

others, freeholders of the county of Lanark; and the Petition of A. W. Playfair, senior, and others, freeholders of the county of Lanark, severally complaining of the undue election and return of Malcolm Cameron, Esquire, to represent the county of Lanark; be taken into consideration, by this House, on Tuesday, the twenty-fourth instant, at the hour of four of the clock, P.M.; and that notice to that effect, in writing, be forthwith given, by the Speaker, to the Petitioners, and the sitting Member, according to the provisions of the second clause of an Act passed by the Parliament of Upper Canada, during the fourth year of the reign of His late Majesty, King George the Fourth, chapter four.

District Courts. Ordered, That Mr. Macdonell, of Dundas, have leave to bring in a Bill to diminish the costs on certain suits at law in Upper Canada, by increasing the jurisdiction of the district courts.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

MR. MOFFATT¹⁰⁴ seconded by DR. DUNLOP, moved that 200 copies of the petition of A.F. Holmes on the subject of the establishment of a new Medical Institution in Montreal - be printed.¹⁰⁵

MR. SCOTT thought that at the same time 200 copies of the petition of Mr. Adams and others, showing the adverse of that question, ought to be printed along with it.¹⁰⁶

DR. DUNLOP said, he understood the object of the new school was to make Doctors by steam. For his part he would never consent to make a medical man in less time than it took to make a tailor.¹⁰⁷

DR. NELSON, in reply, stated, that the new school had only been established about a year; and in that time, he said to their credit, they had procured more casts of morbid anatomy, and preparations and books, than the old school,¹⁰⁸ McGill Colleague (sic)¹⁰⁹, to which the member for Huron seemed to wish to give a monopoly.¹¹⁰ He was opposed to all monopolies, and he feared there was a desire to convert McGill College into one.¹¹¹

MR. SCOTT also made a few observations in defence of the new Medical School.¹¹²

(38)

Faculty of
Medicine
McGill College.

Ordered, That one hundred copies of the Petition of A.F. Holmes, M.D., and others, the Faculty of Medicine of the University of McGill College; and the Petition of Francis C.T. Arnoldi, M.D., and others, lecturers and students in and of the Medical School in the city of Montreal, commonly called the College of Medicine and Surgery, be printed

in each of the English and French languages, for the use of the Members of this House.

Attachment of Salaries.

Ordered, That Mr. Christie have leave to bring in a Bill to authorize, to a certain extent, the seizure and attachment of official salaries, towards payment of the incumbent's debts.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday, the twenty-third instant.

Trial of Impeachments.

Ordered, That Mr. Christie have leave to bring in a Bill to establish a tribunal for the trial of impeachments, by the Legislative Assembly of this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday, the twenty-third instant.

Ursuline Convent Three Rivers.

Ordered, That Mr. Greive have leave to bring in a Bill to authorize the Nuns of the Ursuline Convent at Three Rivers, to acquire and hold additional real and moveable property to a certain amount.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Taxes on lands.

Ordered, That Mr. Webster have leave to bring in a Bill to provide more effectually for the collection of certain arrears of taxes on lands in the district of Wellington.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday, the seventeenth instant.

(39)

On motion of Mr. Webster, seconded by Mr. Dickson,

Militia Scrip.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House a copy of the authority given to the Crown Land Department, for issuing certain Militia Scrip, as advertized in the Official Gazette; whether such authority is founded upon any Proclamation or order in Council, and if the latter, the date of such order, with such other information as His Excellency may be

pleased to afford. Also, a statement of the probable amount of such Militia claims, and whether such Scrip is intended to be applied in the payment of public lands in the Province of Canada generally, or merely to the purchase of lands in Lower Canada. Also, the nominal value at which it is fixed, whether reference is had to the price of such lands in the Province of Canada, or to their value in Lower Canada only. Also, the number of clerks employed examining Militia claims, and making out Scrip for the liquidation of the same; the salaries paid to such clerks, and whether the same are paid out of special funds; if so, the nature of such funds--or if borne on the general expense account of the Crown Land Department. Also, the amount of said Scrip already issued, with the dates of such issues. Also, if it is the intention of Government to insist on the immediate settlement of lands purchased in Upper Canada, and paid for with said Scrip.¹¹³

MR. LAWRASON expressed his satisfaction that Mr. Webster had withdrawn the clause in his former motion to stop the issuing of the Scrip.¹¹⁴ ((He)) made some ... remarks on the subject, the object being to condemn those who objected to the Lower Canadians getting their scrip to which they were as well entitled as the Upper Canadians.¹¹⁵

MR. WEBSTER was understood to state, that he had done so in the belief that after the distinct expression of the opinion of the House on the former night - the Government would not venture to go on with the issue.¹¹⁶

(39)

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

Gaspé and Gulf Fisheries.

The Order of the Day for the House in Committee to take into consideration the expedience of affording encouragement to the Gaspé and Gulf Fisheries, carried on from this Province, by exempting salt and other articles indispensable to the Fisheries, from duties, being read,

The House accordingly resolved itself into the said Committee.

Mr. Robinson took the Chair of the Committee,¹¹⁷

MR. CHRISTIE said that the exaction of the duty on salt pressed with some severity on the District of Gaspé and that when the bill of last Session was under consideration that District was entirely forgotten, so that although there actually was a reduction in favour of the Province, there was an imposition of duty upon the District of Gaspé, for while one section of the act imposes a duty, the fourth section allows a drawback, and he merely wished to put Gaspé in the same situation as other divisions of the Province.¹¹⁸ He said the main point ((of the bill)) was to exempt salt when imported from duty - ¹¹⁹

MR. SOLICITOR GENERAL ((HENRY)) SHERWOOD. - There is no occasion for that - it is free now.¹²⁰

MR. CAMERON. - The Hon. Solicitor-General is under a mistake. Salt is liable to a small duty.¹²¹

MR. ((HENRY)) SHERWOOD. - With all deference to the hon. member for Lanark, I say advisedly that such may be the practice - but it is not the law. I have given the subject very careful attention, and I find that Salt is free, - here are the Statutes, the gentleman can examine them.¹²²

MR. CAMERON walked to the table where the Solicitor-General had laid the Statutes, and turning to the Custom's Act, showed him at once that Salt did pay duty.¹²³

MR. ((HENRY)) SHERWOOD. - Ah, I did not discover that!¹²⁴

MR. MOFFATT thought that the drawback of one shilling per ton was so trifling an amount as to make it hardly worth while to ask for a change in the law. But if any change was required, he would wish to see it for the whole province. And besides, this was a question affecting revenue, and the bill ought, therefore, to be in the hands of the Government.¹²⁵

MR. CHRISTIE, thought that the idea of its being a small tax, rendering the boon, consequently, of little value, came with a bad grace from the hon. member for Montreal, seeing that the people who claimed the exemption thought it of great moment. He (Mr. C.) felt himself in rather an awkward position during the last three sessions. - In the first he was prohibited from introducing any measure of the kind, and in the last, an honourable member connected with the Government informed him that he was going to introduce a bill on this subject, and that the two could be merged in one. He (Mr. C.) very kindly and very softly agreed to the proposal, and that was the last he heard of it. This time he would go on and be prepared.¹²⁶

The ATTORNEY GENERAL (EAST) would inform the hon. member for Gaspé that the Customs Bill, in course of preparation, would be ready very soon, and then he could push any amendment which he may desire to introduce. And there will be no chance of the matter being forgotten, nor of its omitting to receive any consideration.¹²⁷

MR. ((HENRY)) SMITH (Frontenac,) recommended that the Committee should report progress, and ask leave to sit again, and it would not be lost sight of, as he had the assurance of the Attorney General East, that the Customs Bill, by which all these matters would be regulated, was nearly ready.¹²⁸

MR. CHRISTIE then moved that the Committee rise, report progress, and ask leave to sit again on 10th January next.¹²⁹

(39)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Robinson reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again on Friday, the tenth of January next.

Traders and
District
Treasurers.

The Order of the Day for the second reading of the Bill to prevent the abuses which have arisen from persons being traders, or the agents of traders, being appointed or allowed to act as District Treasurers in Upper Canada, being read.¹³⁰

MR. JOHNSTON introduced the bill by stating its object to be to exclude merchants and others in trade from acting as District Treasurers in Upper Canada, so as to prevent them from putting their fingers into the public purse and paying their own note. He said that, in his neighbourhood, it happened that school-masters and school-mistresses, who earned their living by great and harassing labour, had to take store-pay for the government allowance made them, after travelling twenty miles. He could shew that Lower Canada would not have lost £90,000 had it had an act of this kind. But, as the house was thin and had been sitting long, he would move that the consideration of it be postponed until Monday next.¹³¹

(39)

Mr. Johnston moved, seconded by Mr. Cameron, That the further consideration of the said Bill be postponed until Monday the twenty-third instant.

MR. ROBLIN saw no use in discussing "a thing like this." It was absurd - proscribe a whole class of respectable gentlemen because they were merchants! Where could men equally competent and trustworthy be found?¹³² He could not see why the most respectable men in the country, and men acquainted with business, and men the most capable, should be debarred from serving the public as Treasurers of Districts. The hon. mover must also be aware that District Treasurers had nothing to do with school moneys. In the district he (Mr. R.) came from those offices were held by gentlemen of great respectability, and no complaint had ever been made against them.¹³³

(39)

Mr. Roblin moved in amendment, seconded by Mr. Seymour, That the words "Monday the twenty-third instant" in the said motion, be struck out, and the following substituted, "this day three months."

MR. SOLICITOR GENERAL ((HENRY)) SHERWOOD - hoped the House would not persist in disposing so summarily of the Bill. He did not say he was in favour of it - but it would not be courteous to his hon. friend the member for Carleton to throw it out in this manner. He thought it ought to be considered and debated in a committee of the whole.¹³⁴

MR. ROBLIN thought it was worse than useless to waste the time of the House on such a subject. It was simply a question whether merchants ought to be proscribed or not. Any man of sense could answer it in five minutes.¹³⁵

MR. JOHNSTON explained, and stated in addition, that the hon. member for Prince Edward (Roblin) no doubt had a friendly feeling for certain friends of his in his district, and therefore was not surprised at his opposition.¹³⁶

(39)

The question having been put upon the motion of amendment, a division ensued, and it passed in the negative.

The question being then put upon the main motion, it was agreed to unanimously, and

Ordered accordingly.

Duties on
Agricultural
Produce.

The Order of the Day for the second reading of the Bill to continue for a limited time the Act for imposing duties on Agricultural Produce and Live Stock, imported into this Province, being read,

The said Bill was accordingly read, and ordered to be engrossed.

Then, on motion of Mr. Gowan, seconded by Mr. Greive,

The House adjourned.

APPENDIX, 11 DECEMBER 1844.

((QUESTION AND ANSWER RE: KING'S COLLEGE.))

MR. PRICE put the question to the Administration - whether the Government would furnish the House with the information he had solicited on the subject of King's College?¹³⁷

MR. ATTORNEY-GENERAL ((JAMES)) SMITH said that the Governor-General would, in his capacity of Chancellor, ask for the information desired, and when received it would be laid before the House.¹³⁸

((WITHDRAWN BILL RE: INCREASING JURISDICTION OF DISTRICT COURTS.))

MR. GEO. MACDONELL asked leave to introduce a Bill increasing the jurisdiction of the District Courts.¹³⁹

MR. BALDWIN said he understood that Government were about to introduce such a Bill.¹⁴⁰

Attorney-General ((MR. JAMES)) SMITH. - We are.¹⁴¹

COLONEL PRINCE. - Thought Mr. McDonell's Bill ought to be withdrawn in that case.¹⁴²

MR. GEORGE MACDONELL withdrew his Bill.¹⁴³

FOOTNOTES - 11 DECEMBER 1844.

1. BRITISH WHIG, 17 December 1844.
2. IBID.
3. See below, footnotes 27, 28 and 29. BRITISH WHIG, 17 December 1844, noted: "Mr. H. mith ... ((seconded)) the motion in the place of Mr. Morin, - who desired his name to be withdrawn."
4. This debate was reported by: PILOT, 13 December 1844, 18 January 1845; L'AUREORE, 14 December 1844; and in identical accounts by MONTREAL GAZETTE, 14 December 1844, and BRITISH COLONIST, 24 December 1844; LE JOURNAL DE QUEBEC, 14 December 1844; MONTREAL TRANSCRIPT, 12 December 1844; and BRITISH WHIG, 17 December 1844. GLOBE, 24 December 1844, noted the debate.
5. BRITISH WHIG, 17 December 1844.
6. PILOT, 13 December 1844.
7. MONTREAL GAZETTE, 14 December 1844.
8. IBID.
9. IBID.
10. BRITISH WHIG, 17 December 1844.
11. MONTREAL GAZETTE, 14 December 1844.
12. BRITISH WHIG, 17 December 1844.
13. IBID.
14. IBID.
15. MONTREAL GAZETTE, 14 December 1844.
16. BRITISH WHIG, 17 December 1844.
17. MONTREAL GAZETTE, 14 December 1844.
18. BRITISH WHIG, 17 December 1844.
19. MONTREAL GAZETTE, 14 December 1844.
20. BRITISH WHIG, 17 December 1844.
21. IBID.
22. IBID. This ellipsis represents a line which has been cut off from the BRITISH WHIG.
23. MONTREAL GAZETTE, 14 December 1844.
24. IBID.
25. MONTREAL TRANSCRIPT, 12 December 1844.
26. MONTREAL GAZETTE, 14 December 1844.
27. IBID.
28. BRITISH WHIG, 17 December 1844.
29. IBID.
30. PILOT, 13 December 1844. It is not clear in precisely what order Cauchon and Cameron spoke in the debate, but the report in the PILOT indicates that it was approximately in this order. The PILOT also noted that Cauchon, along with Morin and LaFontaine, lectured the Ministers on the relevant British parliamentary practice.
31. MONTREAL GAZETTE, 14 December 1844.
32. BRITISH WHIG, 17 December 1844.
33. MONTREAL GAZETTE, 14 December 1844.
34. BRITISH WHIG, 17 December 1844.
35. MONTREAL GAZETTE, 14 December 1844.

36. IBID.
37. BRITISH WHIG, 17 December 1844.
38. MONTREAL GAZETTE, 14 December 1844.
39. BRITISH WHIG, 17 December 1844.
40. IBID.
41. MONTREAL GAZETTE, 14 December 1844.
42. BRITISH WHIG, 17 December 1844.
43. MONTREAL GAZETTE, 14 December 1844.
44. BRITISH WHIG, 17 December 1844.
45. MONTREAL GAZETTE, 14 December 1844.
46. BRITISH WHIG, 17 December 1844.
47. IBID.
48. MONTREAL GAZETTE, 14 December 1844.
49. IBID.
50. IBID.
51. BRITISH WHIG, 17 December 1844.
52. MONTREAL GAZETTE, 14 December 1844.
53. BRITISH WHIG, 17 December 1844.
54. IBID.
55. IBID.
56. IBID.
57. IBID.
58. MONTREAL GAZETTE, 14 December 1844.
59. IBID.
60. IBID.
61. BRITISH WHIG, 17 December 1844.
62. MONTREAL GAZETTE, 14 December 1844.
63. IBID.
64. IBID.
65. BRITISH WHIG, 17 December 1844.
66. MONTREAL GAZETTE, 14 December 1844.
67. IBID.
68. BRITISH WHIG, 17 December 1844.
69. IBID.
70. IBID.
71. MONTREAL GAZETTE, 14 December 1844. However, MONTREAL TRANSCRIPT, 12 December 1844, identified the speaker as Mr. M'Donald of Dundas, and adds: "This gentleman has a peculiarity of voice, arising, as we believe from a weak state of health."
72. MONTREAL GAZETTE, 14 December 1844.
73. IBID.
74. IBID. According to L'AUREOLE, 14 December 1844, Aylwin did not imitate an animal; rather, he laughed in a provocative way, made gestures and called "hear, hear" in a high-pitched voice in grotesque imitation of Macdonald.
75. L'AUREOLE, 14 December 1844.
76. IBID.
77. BRITISH WHIG, 17 December 1844.
78. IBID.

79. IBID.
80. IBID.
81. IBID.
82. IBID.
83. MONTREAL GAZETTE, 14 December 1844.
84. BRITISH WHIG, 17 December 1844.
85. IBID.
86. MONTREAL GAZETTE, 14 December 1844.
87. IBID.
88. IBID.
89. BRITISH WHIG, 17 December 1844.
90. MONTREAL GAZETTE, 14 December 1844.
91. BRITISH WHIG, 17 December 1844.
92. MONTREAL GAZETTE, 14 December 1844.
93. BRITISH WHIG, 17 December 1844.
94. MONTREAL GAZETTE, 14 December 1844.
95. BRITISH WHIG, 17 December 1844. This ellipsis represents a line which has been cut off from the BRITISH WHIG.
96. MONTREAL GAZETTE, 14 December 1844.
97. BRITISH WHIG, 17 December 1844. MONTREAL TRANSCRIPT, 12 December 1844, added: "It was noticed that Mr. Aylwin looked very queer whilst these remarks were being delivered, and that he was much quieter afterwards." L'AUREOLE, 14 December 1844, reported that "le Dr. Dunlop se leva et donna à l'hon. Membre pour la Cité de Québec (Aylwin), une semonce qui produisit son effet."
98. MONTREAL GAZETTE, 14 December 1844.
99. MONTREAL TRANSCRIPT, 12 December 1844.
100. MONTREAL GAZETTE, 14 December 1844.
101. BRITISH WHIG, 17 December 1844.
102. MONTREAL TRANSCRIPT, 12 December 1844, contains a commentary on this report.
103. According to GLOBE, 24 December 1844, it was Papineau, seconded by Daly, who moved that the House concur in the report.
104. The following debate was reported by: GLOBE, 24 December 1844; PILOT, 13 December 1844; and BRITISH WHIG, 17 December 1844.
105. GLOBE, 24 December 1844.
106. IBID.
107. BRITISH WHIG, 17 December 1844.
108. IBID.
109. PILOT, 13 December 1844.
110. BRITISH WHIG, 17 December 1844.
111. PILOT, 13 December 1844.
112. IBID.
113. This debate was reported by: GLOBE, 24 December 1844; PILOT, 13 December 1844; and LE JOURNAL DE QUEBEC, 14 December 1844. GLOBE, 24 December 1844, also contained a commentary on the debate.
114. GLOBE, 24 December 1844.
115. PILOT, 13 December 1844.
116. GLOBE, 24 December 1844.

117. This debate was reported by: GLOBE, 24 December 1844; and BRITISH WHIG, 17 December 1844.
118. BRITISH WHIG, 17 December 1844.
119. GLOBE, 24 December 1844.
120. IBID.
121. IBID.
122. IBID.
123. IBID.
124. IBID.
125. BRITISH WHIG, 17 December 1844.
126. IBID.
127. IBID.
128. IBID.
129. IBID.
130. This debate was reported by: GLOBE, 24 December 1844; and in identical accounts by BRITISH COLONIST, 20 December 1844, and BRITISH WHIG, 17 December 1844.
131. BRITISH COLONIST, 20 December 1844.
132. GLOBE, 24 December 1844.
133. BRITISH COLONIST, 20 December 1844.
134. GLOBE, 24 December 1844.
135. IBID.
136. BRITISH COLONIST, 20 December 1844.
137. GLOBE, 24 December 1844.
138. IBID.
139. IBID.
140. IBID.
141. IBID.
142. IBID.
143. IBID.

THURSDAY, 12 DECEMBER 1844.

(39)

Petitions
brought up.

The following Petitions were severally brought up and laid on the table:--

By Mr. Armstrong, the Petition of John M'Connille, teacher of the Berthier Academy.

By the Honourable Mr. Morin, the Petition of the Reverend Urbain Orfroy and others, inhabitants and freeholders of St. Charles de Beaumont and other parishes.

By Mr. Scott, the Petition of W.G. Blanchard and others, inhabitants of the county of Two Mountains; and the Petition of Daniel de Hertel, warden, and others, inhabitants of the county of Two Mountains.

By Mr. Foster, the Petition of Captain Alonzo Wood and others, inhabitants of the Eastern Townships, in Canada East; the Petition of the Reverend Andrew Balfour, master of a Grammar School in the county of Shefford; and the Petition of Hervey Lawrence and others, inhabitants of the county of Shefford.

By the Honourable Mr. Solicitor General Sherwood, the Petition of the city of Toronto and Lake Huron Railroad Company.

By Mr. LeMoine, the Petition of Loop Odell and Antoine Merizzi, of Napierville, in the county of Lacadie, (relating to court house and gaol), and the Petition of Loop Odell, and others, of the county of Huntingdon (relating to losses sustained during the late rebellion).

By the Honourable Mr. LaFontaine, the Petition of Jean Baptiste Richer, senior, and others, inhabitants of the parish of St. Benoît, in the district of Montreal.

By Mr. Lacoste, the Petition of the Rev. Louis M. Brassard, Curé of the parish of St. Antoine de Longueuil, in the county of Chambly; and the Petition of the Honourable Baron Grat le Longueuil and others, inhabitants of the counties of Ste. Hyacinthe, Richelieu and Chambly.

By Mr. Cameron, the Petition of William Evans, of Côte St. Paul.

By Mr. M'Connell, the Petition of the District Council of the district of Sherbrooke (relating to school and municipal acts.)

By the Honourable Mr. Papineau, the Petition of the Reverend Jean C. Leonard, of the parish of St. Antoine de Longueuil, in the county of Chambly.

(40)

By Mr. DeWitt, the Petition of Mrs. Mary Anne Snell, widow of the late James Williams, formerly Post Master of Montreal.

By Mr. Prince, the Petition of the Right Reverend Michael Power, Roman Catholic Bishop of Toronto; and of the Right Reverend Patrick Phelan, Bishop of Sarnia; and the Petition of A. Lapin and others, Landholders, residing on the shores of the river Richelieu, South river, and other places, in the district of Montreal.

By the Honourable Mr. DeBleury, the Petition of William Molson and others, inhabitants and proprietors of real estate in the village of Hochelaga, and in the parish of Montreal.

By Mr. Macdonell, of Dundas, the Petition of John M'Bean of Lancaster, in the Eastern district.

By the Honourable Mr. Moffatt, the Petition of E.L. Hayden, of William Henry; the Petition of the Sisters of Charity of the General Hospital of Montreal; and the Petition of Eden Colville of Beauharnois, Esquire.

By Mr. Brooks, the Petition of Hollis Smith and others, inhabitants of the counties of Sherbrooke and Stanstead and other places; and the Petition of the Municipal Council of the district of Sherbrooke (relating to a railroad.)

By Mr. Grieve, the Petition of Mrs. Jane Pigott, widow of the late John Pigott, of the city of Quebec.

By the Honourable Mr. Aylwin, the Petition of the Ministers, Elders and Trustees of St. Andrew's Church, in the city of Quebec; and the Petition of William Bethell, of Quebec, and Thomas Brown, of Valcartier.

By Mr. Chabot, the Petition of Mrs. Marie F. Bilodeau, widow of the late Jacques Bilodeau, of the city of Quebec; the Petition of Pierre J.C. Chauveau, Esquire, of the city of Quebec, President of the Société Canadienne d'Etudes Scientifiques et Littéraires; and the Petition of Pierre Lacroix and Joseph Bolduc, of the city of Quebec, heretofore Messengers of the Honourable the Legislative Council of Lower Canada.

By Mr. Duggan, the Petition of Samuel Price and others, inhabitants of the Second Riding of York.

By Mr. Christie, the Petition of N.B. Doucet, of the city of Montreal.

L.F. Dufresne.

Mr. Dickson moved, seconded by Mr. Colville, That the Petition of Louis Flavien Dufresne, of the parish of Ancienne Lorette, in the county of Portneuf, in the district of Quebec,

*Esquire, advocate, be now brought up and laid on the table.*¹

MR. DICKSON stated that he had previously presented the petition, but in consequence of the security not having been placed in his hands, he had withdrawn it. The necessary security was now in his possession, and he submitted it to the House whether the petition could now be presented.² He said that he should not present this Petition, after what had taken place, if he had not reason to believe that the practice in Lower Canada had been different from that in Upper Canada; and as the last decision had been given on the ground that the Union Act authorized the continuance of all laws in force at the time of the passing of that Act, he thought that the present Petition might be in a different position from one from the upper part of the Province; at all events, it was his duty, as he had been requested to do so, to bring it under the consideration of the House.³

The discussion which ensued turned upon the words of the statute of Lower Canada, which declares that petitions may be received during the fourteen days after the meeting of Parliament.⁴

The Attorney General, ((MR. J. SMITH)), the Solicitor General((MR. H. SHERWOOD)), and MR. CHRISTIE, contended that the only construction which could be placed on the words were that fourteen days should be allowed after the first day of the meeting of Parliament⁵.

MESSRS. BALDWIN and LAFONTAINE objected to it as being contrary to the practice of Lower Canada; the latter ... observed that "perhaps there was one rule for one side of the House, and one for the other."⁶

The Speaker ((SIR ALLAN MACNAB)) being appealed to, decided that in accordance with Lower Canadian practice the petition could not be received.⁷

DR. DUNLOP appealed from the decision of the chair⁸.

(40)

The question having been put upon the said motion, the House divided thereon,

Yeas 24.

Nays 47.

*So it passed in the negative.*⁹

Duties on
Agricultural
Produce.

An engrossed Bill to continue for a limited time, the Act for imposing duties on Agricultural Produce and Live Stock imported into this Province, was read for the third time.

Resolved, that the Bill do pass.

Ordered, That the Honourable Mr. Attorney General Smith, do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the Day the following Petitions were read:

Of John Glen and others, Trustees of the Longueuil and Chambly Turnpike Road, praying for certain amendments to the Ordinance 4 Victoria, chap. 16, and to be authorized to borrow a further sum of £5000.

Of Guillaume D'Eschambault, of the village of Laprairie de la Magdelaine, praying compensation for his services as a Commissioner concerning the contested election of O. Berthelet, Esquire, in 1833.

Of Joseph Elier and others, inhabitants of Shefford mountain, praying for a survey of the said mountain, and that the conditions upon which the lands thereon are to be disposed of, may be specified.

Of the Directors of the Shefford Academy, praying for aid in support of the said Academy.

Of Joseph Ouellet, of the parish of Trois Pistoles, in the county of Rimouski, in the district of Quebec, praying for the payment of an account for services rendered in taking the Census of the said County, in the year 1835.

Of J. G. Barthe and others, electors of the county of Yamaska, setting forth:--

Yamaska con-
tested Election.

That it appears by the Return of William Pitt, Esquire, to whom, as the duly commissioned Returning Officer, the Writ of Election for the said County of Yamaska was addressed, to be proceeded upon according to law, that Léon Rousseau, Esquire, of the Parish of St. Michel d'Yamaska, Physician, was well and duly elected in the last General Election of this Province, to represent the Electors of the said County of Yamaska in your Honourable House, but your Petitioners most respectfully submit to your Honourable House that the return of the said Returning Officer ought to be rejected, annulled, and made void, and the election of the said Léon Rousseau declared illegal, unconstitutional, null, and of no effect, for the following reasons:--

That the said Léon Rousseau, Esquire, as your Petitioners humbly represent, in order to be elected as aforesaid, did, before and during the election for the said County, employ every means of corruption, intimidation, and violence, to procure the suffrages of the Electors in his favour, as well by himself as by his agents, friends, and partisans, and that a great many Electors were in fact induced to vote

in favour of the said Léon Rousseau, Esquire, by means of the corruption, intimidation, and violence, used by the said Léon Rousseau, Esquire, his agents, friends, and partisans, as aforesaid: that for the same causes a large number of other Electors voted several times at the said Election, for the said County of Yamaska, and that persons, who were strangers to the County, and who were not Electors, also voted at the said Election for the said County of Yamaska, and that a greater number still were prevented from exercising their elective franchise at the said last Election for the said County of Yamaska, and were prevented from voting so as to avoid the threats of prosecution, and the means of corruption, intimidation, and violence made use of and displayed by the said Léon Rousseau, Esquire, his agents, friends, and partisans.

That your Petitioners respectfully represent that the Candidate at the last Election for the County of Yamaska, who lawfully and legally polled the votes in his favour, is Joseph Guillaume Barthe, of the City of Montreal, Advocate, who, your Petitioners humbly submit to your Honourable House, ought to be declared duly elected as lawfully representing the Electors of the said County of Yamaska.

Wherefore, your Petitioners respectfully beg that your Honourable House will afford them an opportunity of proving their allegations, when and in such manner as your Honourable House shall order, persuaded that your Honourable House, as the guardian of the public rights and of the Elective Franchise, and the special tribunal from which your Petitioners presume to seek redress, perfectly confident that they will regain their constitutional right of freedom of vote, that noble prerogative which is the glory and the political security of the British

(41)

subject, and which has been audaciously violated by the said Léon Rousseau, Esquire, his agents, friends and partisans, at the last Election for the said County, in your wisdom, will adjudge and declare the Election of the said Léon Rousseau, Esquire, as aforesaid, illegal, unconstitutional, null and of no effect, as being tainted with every illegality by which an Election is vitiated and annulled; and that the return of the said Returning Officer, which declares the said Léon Rousseau, Esquire, elected by the qualified Electors of the said County of Yamaska, to represent them in your Honourable House, ought to be set aside and annulled, and the said Election of the said Léon Rousseau, Esquire, made void for the reasons above alleged; the said Léon Rousseau, Esquire, expelled from your Honourable House, and Joseph Guillaume Barthe admitted into your Honourable House, as lawfully, constitutionally and legally, representing the Electors of the said county of Yamaska in your Honourable House.

Petitions read.

Of Noah C. W. Cannon, of the city of Toronto, praying to be naturalized as a subject of Her Majesty.

Of the Honourable Baron Grant de Longueuil and others, of the town of Dorchester, commonly called St. Johns, praying for certain amendments to the Judicature Act.

Of Alexander Joseph Wolff, of the parish of St. Ambroise, in the county and district of Quebec, praying for the payment of an amount due him as superintendent of works in opening the Metis or Kempt road.

Of Daniel Hoover and others, inhabitants of the county of Haldimand; of Robert F. Cooke and others, inhabitants of the county of Haldimand, and of James A. Applebee and others, inhabitants of the county of Haldimand, praying that the said county may be set apart as a separate district.

Of Charles Richardson and others, inhabitants of the town and district of Niagara, praying to be incorporated under the name of "the Niagara and Ten Mile Creek, Plank Road Company."

Of M. N. Corvy, M. D. and others, inhabitants of the township of Stamford, praying that the existing Law for the recovery of Small Debts may be amended.

Of the Faculty of Medicine in connexion with the University of M'Gill College, praying for aid in support of the Medical School, in connexion with the said College.

Of Henry William Harris, Captain in Her Majesty's 24th Regiment of Foot, praying for the passing of an Act of Divorce.

Of the Committee of Management and Trustees of the Canada Baptist Missionary Society, praying for an Act to Incorporate the said Society.

Of John Gilchrist, of Peterborough, praying for compensation for injuries caused by the operations of the Board of Works.

Of the Honourable D. Mondelet, resident judge, and others, inhabitants of the town of Three Rivers, praying for a certain grant already voted, but not received; and for the continuation of the usual annual allowance in support of a school in the said town.

Of the Reverend C. Jackson and others, members of the Episcopal Clergy in the Diocese of Quebec, praying for relief under the operation of the Law which deprives Clergymen of the exercise of their elective franchise.

County of
Megantic con-
tested Election.

Of Richard Charles Porter and others, free-holders and Electors of the county of Megantic, setting forth:--

That on Wednesday, the sixteenth day of October, one thousand eight hundred and forty-four, at the Court House in the township of Leeds, the Election of a fit and proper person to represent the County of Megantic, in the Honourable the Legislative Assembly of this Province, was convened by Daniel Burray, of Leeds, Returning Officer for the said County.

That three Candidates were then and there duly nominated and seconded, to with: the Honourable Dominick Daly, John Greaves Clapham, Esquire, and Thomas William Lloyd, Esquire.

That on the twenty-second and twenty-third days of October, then next following, polls were opened in the townships of Leeds, Inverness, Ireland, Wolfetown, Bellevue, Concord, Ting, Easton and Forsyth, &c, and under authority of that officer from the said Daniel Burray, for the Election of a Representative of the said County.

That although the said Thomas William Lloyd was afterwards elected by a majority of legal votes, yet an apparent and colourable majority in favour of the said Dominick Daly, to the exclusion of the said Thomas William Lloyd, was obtained by various illegal, corrupt, criminal and unwarrantable means and practices, destructive of the right of Election in the persons legally qualified to be Electors, and subversive of the Constitutional franchise, rights and privileges of your Petitioners, and of the whole body of Electors.

That your Petitioners, as well in consideration of the justice due to the said Thomas William Lloyd, as from regard to their own rights, grossly violated at the said Election, deem it their duty to resist and oppose the illegal Election and Return of the said Dominick Daly; and well assured that your Honourable House, always anxious to preserve the sacred right of Election pure and inviolate, will investigate the matters of complaint herein contained against the Election and Return of the said Dominick Daly, pray leave succinctly to represent the principal facts and grounds on which the said Election and Return is to be considered an undue Election and Return, and as being null and void in law.

First, That the said Dominick Daly, previous to, and at the time of the said Election, was not qualified according to law to be elected a Member of the Legislative Assembly of this Province.

Second, That the said Dominick Daly, immediately after he was nominated as a Candidate, when duly requested so to do, did not make, and subscribe under oath, before the Returning Officer, a written declaration, specifying the Lands and Tenements upon which he claimed to be qualified according to law, to be elected.

Third, That the said Daniel Burray, unmindful of his duty as Returning Officer for the said County, acted contrary to law, by appointing, and

causing separate polls to be held, and votes to be taken, in certain Townships, to wit: the Townships of Lambton, Forsyth, and Wolfstown, which two first mentioned Townships, to the knowledge of the said Daniel Burray, did not contain one legally qualified voter, and neither of the three said several Townships, the requisite number of inhabitants, to entitle them by law to separate polls; and moreover, in nominating and appointing certain persons, to wit: William Hargraves, James M'Callum, Thomas Sherridan, and John M'Inally, as Deputy Returning Officers, although the said Daniel Burray well knew that they were not severally and respectively qualified according to law, to act in that capacity.

Fourth, That the conduct of the said Daniel Burray, and several of his said Deputies, to wit, the said William Hargraves, James M'Callum, Thomas Sherridan, and John M'Inally, was unjust, illegal, and partial, evincing more of the spirit of partizans of the said Dominick Daly, than of impartial public officers.

Fifth, That many votes were given for the said Dominick Daly by persons possessed of no qualification whatever, and many whose want of

(42)

qualification was apparent on their own statement; that many persons were induced to vote and take the oaths to entitle them to do so, by criminal solicitations; that in divers instances several persons were admitted to vote for the said Dominick Daly on one and the same alleged qualification; in others, persons under oath declared themselves proprietors of lands to which they have no right or title; in others, votes which were tendered for the said Thomas William Lloyd, one of the Candidates, were recorded in the Poll Books for the said Dominick Daly.

Sixth, That the said Dominick Daly, directly by himself, and indirectly by means of others in his interest or favour, and acting as his authorised Agents, did both before and during the said Election, employ divers means of corruption at such Election, with intent to corrupt and bribe certain Electors to vote in his favour, by giving and promising to give or procure sums of money, offices, places, employments, gratuities, rewards, conveyances, and title deeds, or patents for lands, pensions and presents; and did open and support, or cause to be opened and supported, at his costs and charges, houses of public entertainment, for the accommodation of the Electors within the said county of Megantic.

Seventh, That during the whole course of the Election, a number of persons, not residents within the county, and having no right to vote at the said Election, were collected and kept together for the purpose of overawing and intimidating Electors desirous of voting for the said

Thomas William Lloyd, and most effectually violated and destroyed all freedom of Election.

That by reason of the premises, it is manifest the Election and Return of the said Dominick Daly has been obtained by the most illegal and criminal means; and not doubting that your Honourable House will feel an anxious desire to do justice upon this representation, your Petitioners humbly pray your Honourable House to take the same into your serious consideration, and in granting relief to your Petitioners, that your Honourable House will be pleased to declare the said Election of the said Dominick Daly null and void, and to order the Clerk of the Crown in Chancery to attend the bar of your Honourable House to amend the Return for the said County, by erasing the name of the said Dominick Daly, and inserting that of the said Thomas William Lloyd in lieu thereof, and make such and further order in the premises as in the wisdom of your Honourable House shall appear fit.

Petitions read.

Of the Reverend John Borland and others, inhabitants of the city of Quebec, praying that the charter of M'Gill College, at Montreal, may be amended, and that the management of King's College, at Toronto, be placed upon a satisfactory basis.

Of Alvan Williams and others, inhabitants of West Bolton, in the county of Stanstead, praying that a certain part of the said township may be attached to the county of Shefford.

Of W. G. Cooke and others, Trustees of the Charleston Academy, praying for an aid in support of the said institution.

Of Joseph Bouchette, of the Surveyor General's Department, praying that the Legislature may encourage him in the publication of his Map of the Province, by subscribing for a number of copies thereof.

Of the Reverend E. J. Sherrill and others, inhabitants of Eaton, praying that the charter of M'Gill College, at Montreal, may be amended, and that the management of King's College, at Toronto, may be placed upon a satisfactory basis.

Of Israel Rice, of the township of Ham, in the district of St. Francis, representing that he has endured great privations and hardships, as the only settler in the said township, which he has fully set forth in three Petitions to the Head of the

Executive, and praying relief.

Of Heman Bangs, of the township of Stanstead, praying for aid in consideration of the services rendered by him during the late war with the United States.

*Lanark con-
tested Election.*

Of William Duncan and others, freeholders of the county of Lanark, setting forth:--

That your Memorialists deeply appreciating the value of their political privileges, cannot refrain from complaining when these are in any degree infringed.

Your Memorialists respectfully beg to represent that at the late Election for the County of Lanark, the Freeholders in several Townships were not enabled to record their votes, because there were no Magistrates near them to swear in the Deputy Returning Officers and Poll Clerks, and they have thereby become actually unrepresented in your Honourable House.

Your Memorialists are of opinion that the present Member, returned for the said County, does not represent the majority of the Freeholders in their wants and wishes.

Your Memorialists deeply sympathize with their fellow Electors who have been virtually disfranchised, and will not hesitate to undergo the trouble contingent on a new Election for the said County for the purpose of affording them relief, and in this they are actuated solely by a sense of justice; they moreover wish that an opportunity may be afforded every one to record his vote, so that the real sentiments entertained by a majority of the Electors of the said County may be disclosed, for as it is at present, with nearly nine hundred persons unpolled, there is nothing but strife and argument amongst them as to the probable result if all had voted; and your Memorialists are fearful that in this state of things animosities will be engendered amongst neighbours that the present generation will not see the end of.

Your Memorialists, believing that the Election for the said County has been protested against, and, in all probability, will be followed up by Alexander Fraser, Esquire, the unsuccessful Candidate, pray you seriously to investigate the allegations he sets forth, and if you find the fact to be correct, that a large number of our fellow-subjects in the County have not been permitted to vote, for the reasons hereinbefore stated, and that

such being repugnant both to the principles of the Constitution and the Statute Law, the present Member is disqualified for holding a seat in your Honourable House, that you will order a new Election to be held, in order that justice may be done.

Of A. W. Playfair, senior, and others, freeholders of the county of Lanark, setting forth:--

That your Petitioners, deeming it to be necessary for the welfare of the County in which they reside, as well as conducive to the peace and well being of its inhabitants, that there should be in your Honourable House, a duly and properly elected Representative, not only of the majority of their wants, but also of their political rights, now most respectfully beg to represent, for the consideration of your Honourable Body,

That Malcolm Cameron, Esquire, returned as Member for the said County, had not been elected in conformity with the Constitution, nor in conformity to the Statute Law.

That in this County, the Freeholders in eight Townships have had no voice whatsoever, either for or against him politically, in recording their votes, by reasons of there having been no Magistrates in, or near these places, to administer the requisite oaths to the Deputy Returning Officers and poll Clerks.

That this circumstance, while it deprives these Freeholders of their Constitutional privileges, gives a tone and a character to the means by which the Member now claiming a Seat, that is derogatory to the feelings of the majority of the Freeholders of the County, because all that they do wish is a fair representation of the interests of that majority; and besides it creates much discussion and altercation among your Memorialists, which it is highly desirable should be allayed.

(43)

That although it will put your Memorialists to some expense and inconvenience, still they would rather submit than that any number of their fellow settlers should be deprived of their elective franchise.

Your Memorialists have learned that the Election for the said County is likely to be contested; they therefore do respectfully pray that your Honourable House will fully investigate the matter, and if you deem the Election illegal, that you will order

the issue of a new Writ.

South Riding
Lincoln con-
tested Election.

Of Gilbert M'Micking, Esquire, and
others, electors of the South Riding of
the county of Lincoln, setting forth:--

That at the last election for a Member to represent the South Riding of the County of Lincoln, in Parliament, the notice of an Election taking place was not sufficient, the same being in writing, and not a sufficient number of them, whereby many Electors were not aware that an Election was to take place, until the morning of the same or the day after.

Secondly, That the conduct of the Returning Officer at Port Robinson, on the day of taking the Poll, was unprecedented, if not illegal, in not opening the Poll by Proclamation; and at the time that William Woodruff, Esquire, a freeholder, and Seconder of Mr. M'Micking, was making a Speech, he was interrupted by a mob at the same time, and applied to the Returning Officer for protection, who stated he could not afford any protection as he had adjourned the Poll, and that without Proclamation, thereby the said Returning Officer virtually encouraging the disorderly and outrageous conduct of the mob, who at the same time were making threats and holding up their fists in a menacing manner; and further Mr. M'Micking had reserved some remarks to make, but was prevented from doing so by the above outrageous conduct of the mob.

Thirdly, That James Cummings, Esquire, the Candidate returned for the South Riding of Lincoln, at the time the Poll was taking at Port Robinson, was then a Collector of Tolls at Chippewa, as did appear by a clearance given by the said James Cummings, on the thirteenth day of October last, under the Board of Works, and a Protest was entered against the nomination of the said James Cummings, at the time, and consequently is ineligible of being elected or returned as a Member to serve in the Legislative Assembly according to the Statute of the 7 Victoria, chapter 65.

Your Petitioners therefore humbly pray your Honourable House to cause an investigation of the allegations herein set forth to be made, and that if due cause shall appear, that the return of the sitting Member be declared void and a new Election ordered.

Petitions
referred.

Ordered, That the Petition of the Committee
of Management and Trustees of the

Canada Baptist
Missionary
Society.

Canada Baptist Missionary Society be referred
to the Standing Committee on Private Bills.

P. M'Gowan.

Resolved, That the Petition of Patrick
M'Gowan, late Sergeant in Her Majesty's
99th Regiment of Foot, be referred to a Select Committee composed
of Mr. Gowan, Mr. Prince, Mr. Drummond, and Mr. Smith of Frontenac,
to examine the contents thereof, and to report thereon with all
convenient speed; with power to send for persons, papers, and
records.

On motion of Mr. Christie, seconded by Mr. De Witt,

Civil List.

Resolved, That an humble Address be pre-
sented to His Excellency, the Governor
General praying that His Excellency will be pleased to inform the
House whether any answer has been received to that part of the
Address of last Session, to Her Majesty, from this House, relating
to the Civil List, which refers to the Office of Chief or Civil
Secretary, representing the same as an unnecessary and burdensome
charge on the Civil List of the Province, that ought, in the opin-
ion of Her Majesty's faithful Commons, to be forthwith abolished,
and the duties thereof transferred to the Provincial Secretary;
and that His Excellency, if any such communication on the subject
have been received, will be pleased to lay the same, or such part
thereof as he shall deem himself at liberty to impart, before this
House.

Ordered, That the said Address be presented to His Excellency,
the Governor General, by such Members of this House as are
of the Honourable the Executive Council of this Province.

Courts of
Queen's Bench.

Ordered, That Mr. Macdonald of Cornwall,
have leave to bring in a Bill to enable
the several Courts of Queen's Bench in
Upper and Lower Canada, to issue Writs of Subpoena ad Testificandum,
as therein mentioned.

He accordingly presented the said Bill to the House, and the
same was received and read for the first time, and ordered to be
read a second time on this day month.

On motion of Mr. Macdonald of Glengarry, seconded by Mr.
Thompson,

Courts of
Chancery.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a statement of the number of suits brought in the Court of Chancery since the 19th July, 1841, shewing the number of suits actually adjudicated upon, the amount of costs taxed and allowed on each suit, and the amount of fees paid on each suit to the Registrar; together with a detailed statement exhibiting the aggregate sum received by that officer, by way of fees and charges on the said suits.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

On motion of Mr. Jobin, seconded by Mr. Leslie,

Trustees of
Toll-bar Roads,
Montreal.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, within the shortest delay possible, detailed accounts of all sums of money received and expended by the trustees of the Toll-bar roads at Montreal, by virtue of the Ordinance to provide for the improvement of certain roads in the vicinity of the city of Montreal, and leading thereto; and also, detailed statements of all transactions of the said trustees by virtue of the same authority, since the date of the statements and accounts submitted to this House, at the last Session of the last Parliament.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

On motion of the Honourable Mr. DeBleury, seconded by Mr. Macdonald of Glenarry,

Insolvent
Debtors.

Resolved, That this House do now resolve itself into a Committee of the whole House, to consider the expedience of repealing certain parts of the first and second sections of an Act of the Legislature of Lower Canada, passed in the sixth year of the Reign of His late Majesty, King William the Fourth, chapter four, intituled, "An Act to afford relief during a limited time to insolvent Debtors."

(44)

The House accordingly resolved itself into the said Committee.

Mr. Christie took the chair of the Committee.¹⁰

The hon. gentleman ((MR. DEBLEURY)) explained that the scope of the bill was merely to strike out the word "District" in the act at present in force and in lieu thereof insert the words, "that part of the Province of Canada, formerly called Lower Canada;"¹¹ ((and)) to release prisoners arrested upon a writ of Capias ad satisfaciendam upon their giving security not to leave the Province¹², thereby giving the unfortunate but honest debtor greater latitude, and a better opportunity of gaining a livelihood.¹³ The bill was at present limited to Lower Canada, but if it were the wish of hon. members from the Upper Province he would extend its provisions to their part of the country.¹⁴

This MR. JOHNSTON opposed as being similar to an infamous and wicked measure brought in last Session, by Mr. Boulton,¹⁵ on the ground of its unjustly favouring debtors at the expense of their honest creditors¹⁶, a measure which he asserted had done infinite mischief to U. C. But several other hon. gentleman (sic) being of a different opinion, on their recommendation ((he wished)) to make his Bill extend to the whole Province.¹⁷

MR. DEBLEURY explained - The hon. member appeared to forget that the object of the Bill was to prevent that cruel system of imprisonment, to which he himself so justly objected. The bill provided that an unfortunate debtor should not be locked up in a jail, and deprived of the means of gaining what would maintain himself, and enable him perhaps ultimately to pay his creditors. But it also provides that the creditor shall have all the security which he could have by arresting his debtor, in preventing him from leaving the Province. He has to give security for that, and what could a creditor want more?¹⁸

MR. JOHNSTON said, after what his hon. friend had said, of course, his (Mr. Johnston's) objections must fall to the ground. At the same time when he talked about confining a man within the Province, he should recollect that the Province was six hundred miles long, an extent which would be quite large enough for any speculations which he himself would wish to engage in. The hon. member concluded by assuring the House, that previous to the passing of the Bankrupt Act in Upper Canada, to which he had alluded, there were no people there who did not pay their debts!¹⁹

DR. DUNLOP said, that punishment should be awarded to crime, not to misfortune. Let the fraudulent debtor by all means have the punishment that was due to him, but let him be punished by Judge and Jury, not by a private creditor. The highest punishment, second to death, in Upper Canada until they had the Penitentiary, was twelve months imprisonment. That was the punishment for horse stealing, but under the late law of debtor and creditor, a man might be imprisoned for life - a grave punishment - and placed in bad hands, when in those of perhaps a vindictive creditor. - The same cry raised here, had been

raised in England, against Lord Redesdale's act, which made the English law as nearly as possible like the "cessio bonorum" law in Scotland; under that act, if a man could not pay his debts, his goods were given up for the benefit of his creditors, and he was examined as to whether or not he had committed fraud. If he had not he was set at large as far as his person was concerned, and he was at liberty to commence the world again, and in many instances paid his creditors the last shilling, with interest on his debt. Could he have done that, shut up within the walls of a prison? No, he could not, but he would have been putting the country to the expense of maintaining him. - That had been the law of Scotland for a long time, and he remembered the outcry against Lord Redesdale well, when he introduced it first into England. The Parliament had to listen to line upon line, precept upon precept, here a little and there a great deal, through several sessions, before they would pass that act; but it was passed, and now no one found any fault with it. He (Dr. Dunlop) would like to know why a law that answered so well in England and Scotland, both of them commercial countries, should not answer in Canada. There was one great abuse that he thought, however, might be easily remedied in the common way of conducting these matters. He alluded to such cases as that of a farmer who made away with his property to his nephew, or brother, or any one else, except his wife; and then, when the Sheriff went in, he had nothing to do but make a return of no effects. Now, why were not questions proposed to such a man, as to when he sold his property, to whom he sold it, and where, and how much he got for it, and what he did with the money. The answers would show whether there had been a fraudulent transfer or not; and if it were once discovered, it would be no more attempted. He would recommend then, if they caught a man in such tricks to send him to the Penitentiary for 14 years, at hard labor; then he would perhaps learn more honest practices. I shall therefore certainly give my hearty support to this measure for depriving one man of the power to inflict a very severe punishment on another.²⁰

The Solicitor General ((MR. HENRY SHERWOOD)) said, he did not rise to oppose the progress of the Bill, or to occupy the House with a long argument. He had always been in favor of the abolition of imprisonment for debt, and he believed that with a proper system of jurisprudence and laws the mercantile community might be secured from loss without the cruel mode of imprisonment hitherto resorted to. But he called the attention of his learned friend, who had introduced the Bill, to the contrast between the law at present existing in Upper Canada and that now proposed. There, a debtor might be arrested before judgment, and he might be released upon good bail being given, but after judgment the bail was discharged, and he could not be arrested on a writ of "capias ad satisfaciendam," unless he had committed some fraud. He was obliged to deliver up all his goods, and to answer all interrogatories which might be put to him, and if he did not do so to the satisfaction of the Court, he was committed, as a punishment. Now, if a man went from

Lower Canada to Upper Canada, and was there sued, he could be only arrested and confined, if he were not fraudulent (sic), until after judgment, and could give bail even till then; but if an Upper Canadian were sued in Lower Canada, under the present bill, he could be confined in the district where judgment was rendered. He asked his learned friend, as they were now one united province, and as they desired as much as possible to assimilate the laws of both provinces, why not extend the law to Lower Canada which is not in force in Upper Canada, and say that a debtor shall not be arrested at all unless it be shown that he has acted fraudulently (sic). No punishment could be too great for a man to be confined even to a province; that was a deprivation of liberty which ought not to exist; on the contrary, a man ought to be exempted from all imprisonment or control so long as he had done nothing wrong. Let the hon. member postpone his bill and look over it, and compare it with the law he (the Solicitor General) had alluded to, and let him try whether he could not bring in some extensive measure, for which he might be thanked by the people of the whole United Province.²¹

MR. LAFONTAINE said the only fault he found with the Hon. gentleman's motion was that it did not go far enough; and he would advise him to adopt the suggestion of the Hon. Solicitor General. He (Mr. Lafontaine) was in favour of the abolition of Imprisonment for debt, and he should be happy to see the Hon. gentleman bring in a bill which would give to the whole province the benefit of such a measure.²²

MR. MORIN ... declared ... in favour of the abolition of imprisonment for debt.²³

MR. DEBLEURY said he would be most happy to adopt the suggestion thrown out by the Hon. Solicitor General, and he would therefore move that the Committee do rise, report progress, and ask leave to sit again.²⁴

(44)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Christie reported that the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again, on Wednesday next.

Then, on motion of Mr. Christie, seconded by the Honourable Mr. Lafontaine,

The House adjourned.

APPENDIX, 12 DECEMBER 1844.

((NOTICE OF PROPOSED MOTIONS.))²⁵

MR. LAFONTAINE will, on the 2nd January, bring in a Bill to amend the L. C. Election Law, and also to amend the law in reference to contested elections; also a Bill to increase the number of Wards in the city of Montreal.²⁶

MR. CAMERON will, to-morrow, move an address to his Excellency, praying for an account of the disbursements to returning Officers during the late elections.²⁷

MR. CAMERON - Also, address praying for information as to the appointment of the Rev. Egerton Ryerson to the situation of Superintendent of Education; his salary, whether any thing extra is to be allowed him for his present tour to Europe; and who discharges the duties of the Office during his absence.²⁸

MR. JOHNSTON will to-morrow move an address for information as to the expense of the bridge recently erected near Bytown, and the salary of the engineer engaged on that work.²⁹

Attorney General ((MR. J.)) SMITH gave notice that he will, on to-morrow, move that the House resolve itself into Committee of the whole, to consider the expediency of providing for the issue of Still Licences for a less period than one year, at a rate proportionate to the time for which they may be granted.

The Hon. gentleman explained that it was desirable to have a temporary Act, with respect to Still Licences adopted, in order to protect the revenue. It was the intention of the Government to introduce a Customs' Bill, in which that item would be included, but as some time must necessarily elapse before it could pass into a law, and the Act relating to Stills, would shortly expire, it was necessary to adopt a temporary measure, such as that which he proposed.³⁰

((QUESTIONS AND ANSWERS RE: FORMATION OF EXECUTIVE COUNCIL; MUNICIPAL COUNCIL DEBTS; AND LOWER CANADIAN REBELLION LOSSES INDEMNITY.))³¹

MR. CHAUVEAU asked the administration in pursuance to notice³², whether the present Ministry held themselves responsible for the acts of Government since the resignation of the Ministry³³; at what time the ministry was formed; when did it consider itself complete ... was it intended to appoint a Solicitor General East³⁴; and if so, if the latter would have a seat in the Cabinet.³⁵

The Att. General ((MR. J. SMITH)), replied that in answer to the first question, he would not have the slightest objection, to furnish Mr.

Cha((u))veau with the dates of the commissions of the present Administration (sic) ((which)) does not consider itself complete, but that the vacancies will shortly be filled up, by persons possessing the confidence of the people. And that it is intended (sic) to appoint a Sol. General (East) who, however, will not have a seat in the Cabinet.³⁶

DR. TACHE asked if it was the intention of the Government to make any provision for the payment of the debts claimed as due by some of the Municipal bodies in Lower Canada.³⁷

Attorney General ((MR. J.)) SMITH replied that that was a question, in some measure, of private right. If expenses had been incurred by individuals without competent authority, of course they alone were responsible. The attention of the Government was, however, engaged on the subject of Municipal Institutions, and every matter connected with them would be full considered; but it would be quite impossible now to say what course may be taken with respect to the matter of the Hon. gentleman's inquiry.³⁸

MR. LESLIE rose to ask if the Government intended to introduce any measure for the relief of the sufferer((s)), in Lower Canada, by the rebellion of 1837 & 1838.³⁹

Attorney General ((MR. J.)) SMITH - Not during the present Session.⁴⁰

((REJECTED PETITION AGAINST ELECTION OF TORONTO MEMBERS.))⁴¹

MR. SMALL rose under rather peculiar circumstances to present a petition signed by himself, (hear) against the election of the two sitting members for Toronto⁴² Mr. Sherwood and Mr. Boulton.⁴³ He had been told that yesterday was the last day for the presentation of such petitions, in accordance with the practice of the U. Canada Parliament, which required that all petitions against contested elections should be presented within the first fourteen days of the session. That was the rule made in 1829, but he very much doubted whether any rule made at that time by the Upper Canada Parliament could be held as binding at the present day; but he further contended that the period had not expired - that the first day of the session was not taken into account; and, consequently that the petition would not be too late until after the adjournment of the present sitting. This argument was treated at considerable length by the hon. gentleman; and he concluded by observing that a petition was to have been transmitted from Toronto, but that in consequence of some mistake as to the time allotted, it had not yet arrived, and that even if a little late, he conceived the House would do well to concede something to the rights of electors.⁴⁴ He would submit the matter to the House and abide ((by)) its decision.⁴⁵

MR. GOWAN objected to the reception of the petition. It was a petition intended to deprive the constituency of Toronto of the services of their representatives in important matters about to be investigated - the trial of contested elections. It seemed to him strange that in a city containing

a population of upwards of 20,000 souls, there could not one elector have been found to sign the petition complaining of the return for that city, and that the Hon. gentleman himself should sign and present a petition.⁴⁶ And that too, as if a sudden thought had struck him, that it would be a very convenient manoeuvre.⁴⁷ There was something very strange about it.⁴⁸

MR. SMALL. - Do you mean to question my motives?⁴⁹

MR. GOWAN. - No, he did not question the Hon. gentleman's motives, which might be pure enough.⁵⁰ But it was a singular thing that the hon. gentleman had waited until the day after the recognizances (sic) had been completed. The Speaker had withdrawn yesterday in order to receive the recognizances in one case, and the hon. gentleman had not then thought fit to mention his petition, although it was intimated at the time that it was the last day for receiving those petitions. And what was still more singular, in short, almost unprecedented, was the fact of the hon. gentleman standing up to present his own petition.⁵¹ Referring to Todd's Manual, the Hon. gentleman showed that, according to English practice, which was in force in this Province, in unprovided cases, no petition complaining of the undue election and return of any Member of the House could be received after the fourteenth day. The practice was very strict - an instance there cited is, that a petition received on the evening of the fourteenth day, and which had been delayed by extraordinary circumstances, was rejected. In addition, there was in the Parliament of Upper Canada a standing order affirming the fourteen days rule, and by which they must be bound. No injustice would be done to the electors of Toronto by the refusal to receive the petition now before the House. They had not thought proper to petition the House during the period fixed by law for the reception of petitions; but the Hon. gentleman opposite had taken upon himself now to bring in a petition, of which he was the sole signer, and apparently for the purpose of disqualifying the Hon. Members for the city of Toronto from sitting on Election Committees (hear). If such a course was allowed to be pursued by that Hon. Member, what was to prevent⁵² an hon. member from walking out and drawing up a petition, signed by himself, against the return of any or all of the gentlemen sitting on one side or the other of the House, therefore disqualifying them from serving on election committees; for certainly Mr. Small could have no other end in view in his present extraordinary course.⁵³ He hoped, therefore, the motion would not be entertained.⁵⁴

MR. SOLICITOR-GENERAL ((H.)) SHERWOOD hoped he might be indulged, notwithstanding that he was an interested party in the matter before the House, in making some remarks upon the extraordinary application of the Hon. Member for the Third Riding of York.⁵⁵ He did not, as the hon. gentleman who had introduced the petition well knew, entertain any apprehensions of the result of investigation, but the manner in which the petition had been got up, was so peculiar, and exhibited such a want of delicacy,⁵⁶ which he confessed he had not expected at his hands⁵⁷, that he thought no person hereafter would be able to charge that hon. gentleman, whose petition it was, of being actuated by those feelings, which should dictate the course to be pursued by one hon. member towards another.⁵⁸ In the first place, as had been

remarked by a gentleman who preceded him, out of a population of 20,000 souls, which Toronto contained, the Hon. Member for the Third Riding of York had been apparently unable to get a single individual to sign a petition against the return of his (Mr. Sherwood) Hon. colleague and himself, and yet a petition had now been presented by a Member of that House by a man who had no vote.⁵⁹

MR. SMALL, I have, and voted against you.⁶⁰

((MR. H. SHERWOOD)) ... who at least was not a freeholder.⁶¹

MR. SMALL I am a freeholder, and have as good a freehold as you have, and perhaps a little better.⁶²

MR. ((H.)) SHERWOOD, you have not.⁶³

Cries of "order, order."⁶⁴

((MR. H. SHERWOOD)) repeated, the petition ((w))as signed by a man whom he knew not to be a freeholder (order) and what was more, that Hon. gentleman apparently had also been unable to get any other Member of the House to present his petition, (Hear! hear!)⁶⁵

MR. CAUCHON said he hoped the chairman would preserve order, and not allow the course the hon. gentleman was taking to be pursued.⁶⁶

MR. SMALL asked, if the hon. member had the right to come forward, and charge him with having given a fraudulent vote.⁶⁷

The Solicitor General (West,) ((MR. H. SHERWOOD)) charged him with no such thing, but⁶⁸ he was present during the election, he was present when Mr. Small had tendered his vote, and many persons advised him to administer the oath, assuring him that the hon. member had no qualification, but he refrained from doing so as his majority was abundant.⁶⁹ He, therefore, said, that when no petition had been sent to the House by his (Mr. Sherwood's) constituents, when the hon. gentleman who has himself signed and presented a petition, has been unable to get another Member to do the bitter duty for him, the conduct of that gentleman was unjustifiable, and such as he had never expected at his hands. He (Mr. Sherwood) was aware that the Hon. gentleman would have received no petition from Toronto, unless, indeed, he were to write for one. That Hon. gentleman knew well, too, that if he (Mr. Sherwood) were to return to-morrow to his constituents, he would be returned even by an increased majority - he knows that no individual avowing the politics which that Hon. gentleman avows, has any chance of success in Toronto. (Hear! hear!)⁷⁰ It would be impossible, he felt certain, to get twelve respect'bl. (sic) persons to sign a petition against the election of himself and his colleague.⁷¹ He might perhaps have expressed himself with more warmth than was usual to him, but when he found a gentleman with whom he had been on terms of friendship and intimacy, when he found him rising

to present himself his own petition, it did give him (the Solicitor General) an opinion of that hon. gentleman, which he had never before entertained. Then with (sic) regard to the law, the Union Act had declared, that all the laws at that time in force, should be carried out until otherwise determined, and it particularly referred to the trial of election petitions and all proceedings relating thereto.⁷² Although the Grenville Act, which was in force in Upper Canada, did not specify a time in which such petitions should be received; yet a standing rule of the House had done so, and he was satisfied that no one in the House acquainted with the usage of Parliament in such cases could rise in his place and attempt to support the reception of the petition on the fifteenth day of the Session.⁷³ The English practice on this point was very strict; he would read from "Todd's Manuel (sic) of Parliament," a case in which it was stated, "the clerk had a petition put into his hands on the evening of the fourteenth day, but after the house had risen, and although there were very particular circumstances belonging to it, the house refused to receive the petition." If this petition had been delayed by accident, by bad roads, or other causes, and had reached that city on the fourteenth day, but too late for presentation, there might be some reason for begging the indulgence of the house; but⁷⁴ in this country no excuse could be made: the mails were not delayed, the electors were all wide awake, and⁷⁵ the hon. member could not pretend to say he had received a letter, to say a petition was coming - when he could not do that, but puts in this petition, - not for the purpose of pursuing the contest, but to prevent him (the Solicitor General) and his friend from sitting upon election committees - he said he had a right to feel strongly. He would not commit an act like that of the hon. member for any consideration in the world. And to show that he only spoke what he was prepared to act out, he would tell the house, that when he had been asked to present a petition without the signature of any of the constituency he had refused to do so. If he had expressed himself strongly, it was not that he wished to infringe the rules of the house, but because he had a strong feeling of annoyance and dissatisfaction at the course pursued by the hon. member.⁷⁶

MR. SMALL said, it was of little consequence to him what had moved the hon. gentleman to express himself so strongly.⁷⁷ ((He)) cared not in what light the Hon. gentleman viewed the course which he had thought proper to take; the question was, had he or not a right to present such a petition. He contended that he had as much as any other of the constituents of the Hon. gentleman who had just addressed the House.⁷⁸ There was no necessity for so much warmth. It appeared to him that the Sol. Gen. might have entered into the discussion a little more coolly, and not called his right to vote in question, which perhaps could be much easier established than the hon. Sol. General's. (Hear, hear.)⁷⁹ As to the time of introducing the petition, that was a point which he desired to have decided; it was really the point at issue. The petition, however, was more directed against the colleague of the Solicitor General than against himself; and that Hon. gentleman had not scrupled to append his name to a petition complaining of his (Mr. Small's) return.⁸⁰ And perhaps he had shown a little more courtesy than had been shown to him, the petition against his election being signed by

several of the hon. gentleman's colleagues.⁸¹

Sol. Gen. ((MR. H.)) SHERWOOD. - Ay, and by a good many more.⁸²

MR. SMALL conceived it was very unfair to attribute improper motives to him. - His motives were within his own breast; and if the hon. gentleman had only given credit for what he said, as he was bound to do would have been heard to say that he had been in expectation of a petition from Toronto - that being the last thing told him when he left the wharf. As it had not arrived in time, he conceived he was bound as one of the persons who had signed ... the protest against the election of the two members for Toronto, to bring up the present petition, in order to save the rights of the electors. If it had been possible for him to have known that the petition would not have arrived in time, he would not have waited until to-day, but would have presented it yesterday at the latest. Reverting to his former argument, he contended that the fourteen days should be reckoned from the day succeeding that on which the election of Speaker took place - consequently, that instead of yesterday, to-day was the last day, for their receipt.⁸³

MR. BOULTON rose to rebut any charge of discourtesy in the impeachment of Mr. Small's return.⁸⁴ ((He)) explained that he had appended his name to the petition against Mr. Small's return only because he had heard, since his arrival here, that it was necessary that recognizances should be entered into by one of the petitioners, and that was the most convenient way of remedying the error which had been committed. The petition was ((f))ounded chiefly on the ground of the Hon. gentleman not being qualified, and as he (Mr. Boulton) knew that the allegation of the petition in that respect was true, he felt no hesitation in signing it. The Hon. gentleman had not the slightest qualification.⁸⁵ He was perfectly acquainted with many of the electors of Mr. Small's Riding who told him that gentleman had not a sufficient qualification to present himself as a candidate. And when he came down to Montreal, and found it was necessary for some person to give security, he signed it himself, being perfectly convinced that Mr. Small had not the slightest qualification to represent any constituency in Canada.⁸⁶ (Order! order!) The Hon. Member for the Third Riding had stated correctly that the petition which he had presented was directed more against me than my honourable colleague.⁸⁷ However, he had only one accusation laid against him; that was a charge of bribery and corruption.⁸⁸

Cries of "That's bad enough."⁸⁹

((MR. BOULTON)) was certain that twelve respectable citizens of Toronto could not be found to sign it. - True, there was one petty little case about a pair of boots, for which he had paid \$50. But he would assure the hon. gentleman that he would much rather have those boots on him, albeit the \$50 - than make an exchange to get into his shoes. (Hear, hear, and laughter.)⁹⁰

MR. JOHNSTON regretted much that the Hon. member for the Third Riding of York should have pursued the course he did with respect to any member of the House, as it would go far to injure him in public estimation.⁹¹

MR. LAFONTAINE remarked, that, according to the rules in force in Lower Canada, the time for receiving petitions against returns expired yesterday. If the same rule had been adopted in Upper Canada, he was of opinion that the House should act upon it. The question before the House was not one of party, or one for the display of personal feeling - it was simply a question of rule, and all should feel interested in coming to a correct decision.⁹²

MR. BALDWIN said, that the question was, is, or is not, this day the fourteenth day. With respect to the petition being signed by the Hon. Member for the Third Riding of York, he had British practice to justify him in so doing. So late as 1838, Lord Francis Egerton had presented a petition, which he with others, had signed complaining of the undue return of another Member of the House.⁹³

MR. ((H.)) SHERWOOD, with others.⁹⁴

((MR. BALDWIN:)) Well, it made no difference whether he alone had signed it or it had also been signed by others. The practice, with respect to the reception of such petitions, was somewhat different here and in the Mother Country. In England, a sessional order was adopted; here, at least in Upper Canada, a standing order had been passed fixing the time, which was confined to the first fourteen days of Parliament. The rules of either the Parliament of Upper or Lower Canada could not bind the present House, but on reference to the Union Act, it would be found that those rules were continued in force. Then it was the duty of Hon. Members to consider the spirit of those orders and of the practice of Parliament; and here it was evident, from the case cited by the Hon. Member of Leeds, that the rule was carried out with great strictness. If the Act could be construed liberally the petition might be received; if strictly, it could not but be rejected; and, as he believed the spirit of the practice of Parliament to be that the rule should be strictly carried out, he was of opinion that the petition could not be received.⁹⁵

MR. LAFONTAINE concurred with Mr. Baldwin. By the Union Act, all the laws in force at the time of the Union, with respect to contested elections and the proceedings thereupon, were continued; and that the law consisted not only of the written but of the common law - of the practice of Parliament.⁹⁶

MR. AYLWIN differed in opinion with his honourable and learned friends, but nevertheless would advise the Hon. Member for the Third Riding of York to withdraw his petition; it had a bad appearance.⁹⁷

MR. SMALL said, if he had done any thing unparliamentary, he would have

no hesitation in withdrawing his petition; but until that was done, he would not but consider it a degradation to retract the step which he had taken.⁹⁸

MR. LAFONTAINE called for the opinion of the Speaker⁹⁹.

((SIR ALLAN MACNAB)) rose to give it¹⁰⁰.

He was met by cries from the Treasury benches of No! no! no!¹⁰¹

The hon. and learned Speaker ((SIR ALLAN MACNAB)) resumed his seat.¹⁰²

Some further discussion took place, and again the opinion of the Speaker was asked and met in the same manner¹⁰³.

MR. ((G.)) MACDONELL, of Dundas, rose and stated that before he could make up his mind how to vote he should like the assistance of the Speaker.¹⁰⁴

The Hon. the Speaker ((SIR ALLAN MACNAB)) rose and stated to the House, that the Grenville Act, which provided for the trial of contested elections in Upper Canada contained no provision fixing the time for the presentation of petitions; there was, therefore, no written law on the subject; but a standing rule had been adopted in 1829, by which it was made imperative that such petitions should be presented within the first fourteen days of the Session. By the 47th clause of the Union Act that rule had been continued in force, and, therefore, the petition of the Hon. Member for the Third Riding of York could not be received.¹⁰⁵

In consequence of this decision the petition was rejected.¹⁰⁶

FOOTNOTES - 12 DECEMBER 1844.

1. This debate was reported by: MONTREAL GAZETTE, 14 December 1844; GLOBE, 24 December 1844; BRITISH WHIG, 17 December 1844; PILOT, 13 December 1844; L'AURE, 14 December 1844; LE JOURNAL DE QUEBEC, 17 December 1844; and BROCKVILLE RECORDER, 26 December 1844, ST. CATHARINES JOURNAL, 26 December 1844, and MONTREAL TRANSCRIPT, 14 December 1844, in accounts identical except that the MONTREAL TRANSCRIPT was shorter. These reports were copied from the MONTREAL TIMES. The BRITISH COLONIST, 20 December 1844, noted the debate. L'AURE, 14 December 1844, contained a commentary which focused on Aylwin's conduct during the debate and division.
2. MONTREAL GAZETTE, 14 December 1844.
3. BRITISH WHIG, 17 December 1844.
4. MONTREAL GAZETTE, 14 December 1844.
5. IBID.
6. BROCKVILLE RECORDER, 26 December 1844.
7. IBID.
8. PILOT, 13 December 1844.
9. L'AURE, 14 December 1844, reports that Aylwin excused himself from voting.
10. This debate was reported by: PILOT, 13 December 1844; MONTREAL GAZETTE, 14 December 1844; BRITISH WHIG, 17 December 1844; L'AURE, 14 December 1844, and LA MINERVE, 16 December 1844, in identical accounts; and BROCKVILLE RECORDER, 26 December 1844, ST. CATHARINES JOURNAL, 26 December 1844, and MONTREAL TRANSCRIPT, 14 December 1844, in accounts identical, except that the MONTREAL TRANSCRIPT was shorter. All these reports were copied from the MONTREAL TIMES. The GLOBE, 24 December 1844, noted the debate.
11. BROCKVILLE RECORDER, 26 December 1844.
12. BRITISH WHIG, 17 December 1844.
13. BROCKVILLE RECORDER, 26 December 1844.
14. BRITISH WHIG, 17 December 1844.
15. BROCKVILLE RECORDER, 26 December 1844.
16. BRITISH WHIG, 17 December 1844.
17. BROCKVILLE RECORDER, 26 December 1844.
18. BRITISH WHIG, 17 December 1844.
19. IBID.
20. IBID.
21. IBID.
22. MONTREAL GAZETTE, 14 December 1844.
23. PILOT, 13 December 1844.
24. MONTREAL GAZETTE, 14 December 1844.
25. The following motions were reported by: MONTREAL GAZETTE, 14 December 1844, and GLOBE, 24 December 1844, in accounts identical except that the GLOBE's report was longer than the MONTREAL GAZETTE's; L'AURE, 14 December 1844, and LA MINERVE, 16 December 1844, in identical accounts; BRITISH COLONIST, 20 December 1844; and BROCKVILLE RECORDER, 26 December 1844, ST. CATHARINES JOURNAL, 26 December 1844,

and MONTREAL TRANSCRIPT, 14 December 1844, in identical accounts, except that the MONTREAL TRANSCRIPT's account was shorter. All these accounts were copied by the MONTREAL TIMES.

26. BROCKVILLE RECORDER, 26 December 1844.

27. IBID.

28. IBID.

29. IBID.

30. IBID.

31. These questions and answers were reported by: BRITISH WHIG, 17 December 1844, in an account identical to that of BRITISH COLONIST, 20 December 1844; LE JOURNAL DE QUEBEC, 17 December 1844; L'AUREOLE, 14 December 1844, and LA MINERVE, 16 December 1844, in identical accounts; GLOBE, 24 December 1844, and MONTREAL GAZETTE, 14 December 1844, in identical accounts, except that the GLOBE's report was longer than the MONTREAL GAZETTE's; and BROCKVILLE RECORDER, 26 December 1844, ST. CATHARINES JOURNAL, 26 December 1844, and MONTREAL TRANSCRIPT, 14 December 1844, in accounts identical, except that the MONTREAL TRANSCRIPT's was shorter. All these reports were copied from the MONTREAL TIMES.

32. BROCKVILLE RECORDER, 26 December 1844.

33. GLOBE, 24 December 1844.

34. BROCKVILLE RECORDER, 26 December 1844.

35. MONTREAL GAZETTE, 14 December 1844.

36. BROCKVILLE RECORDER, 26 December 1844.

37. MONTREAL GAZETTE, 14 December 1844.

38. IBID.

39. BROCKVILLE RECORDER, 26 December 1844.

40. MONTREAL GAZETTE, 14 December 1844.

41. The debate on this petition was reported by: PILOT, 13 December 1844; MONTREAL GAZETTE, 14 December 1844, and GLOBE, 24 December 1844, which contain often identical accounts, though the GLOBE is often shorter and occasionally has different accounts of individual speeches; BRITISH COLONIST, 20 December 1844, and BRITISH WHIG, 17 December 1844, in identical accounts; L'AUREOLE, 14 December 1844, and LA MINERVE, 16 December 1844, in accounts identical, except that LA MINERVE's is shorter BROCKVILLE RECORDER, 26 December 1844, ST. CATHARINES JOURNAL, 26 December 1844, and MONTREAL TRANSCRIPT, 14 December 1844, in identical accounts, the MONTREAL TRANSCRIPT's containing a shorter version. All the accounts were copied from the MONTREAL TIMES.

42. BROCKVILLE RECORDER, 26 December 1844.

43. MONTREAL GAZETTE, 14 December 1844.

44. BROCKVILLE RECORDER, 26 December 1844.

45. MONTREAL GAZETTE, 14 December 1844.

46. IBID.

47. BROCKVILLE RECORDER, 26 December 1844.

48. MONTREAL GAZETTE, 14 December 1844.

49. BROCKVILLE RECORDER, 26 December 1844.

50. MONTREAL GAZETTE, 14 December 1844.

51. BROCKVILLE RECORDER, 26 December 1844.

52. MONTREAL GAZETTE, 14 December 1844.

53. BROCKVILLE RECORDER, 26 December 1844.
54. MONTREAL GAZETTE, 14 December 1844.
55. IBID.
56. BRITISH COLONIST, 20 December 1844.
57. MONTREAL GAZETTE, 14 December 1844.
58. BRITISH COLONIST, 20 December 1844.
59. MONTREAL GAZETTE, 14 December 1844.
60. IBID.
61. IBID.
62. IBID.
63. IBID.
64. GLOBE, 24 December 1844.
65. IBID.
66. BRITISH COLONIST, 20 December 1844.
67. IBID.
68. IBID.
69. BROCKVILLE RECORDER, 26 December 1844.
70. MONTREAL GAZETTE, 14 December 1844.
71. BROCKVILLE RECORDER, 26 December 1844.
72. BRITISH COLONIST, 20 December 1844.
73. MONTREAL GAZETTE, 14 December 1844.
74. BRITISH COLONIST, 20 December 1844.
75. BROCKVILLE RECORDER, 26 December 1844.
76. BRITISH COLONIST, 20 December 1844.
77. IBID.
78. MONTREAL GAZETTE, 14 December 1844.
79. BROCKVILLE RECORDER, 26 December 1844.
80. MONTREAL GAZETTE, 14 December 1844.
81. BROCKVILLE RECORDER, 26 December 1844.
82. IBID.
83. IBID.
84. IBID.
85. MONTREAL GAZETTE, 14 December 1844.
86. BROCKVILLE RECORDER, 26 December 1844.
87. MONTREAL GAZETTE, 14 December 1844.
88. BRITISH COLONIST, 20 December 1844.
89. IBID.
90. BROCKVILLE RECORDER, 26 December 1844.
91. MONTREAL GAZETTE, 14 December 1844.
92. IBID.
93. IBID.
94. IBID.
95. IBID.
96. IBID.
97. IBID.
98. IBID.
99. PILOT, 13 December 1844.

- 100. IBID.
- 101. IBID.
- 102. IBID.
- 103. IBID.
- 104. IBID.
- 105. MONTREAL GAZETTE, 14 December 1844.
- 106. BROCKVILLE RECORDER, 26 December 1844.

FRIDAY, 13 DECEMBER 1844.

(44)

THE Honourable Mr. Aylwin moved, seconded by the Honourable Mr. Baldwin,

Yamaska
Election.

That the entry in the Journals of this House of yesterday's date, in relation to the reception of the Petition of J. G. Barthe and others, electors of the county of Yamaska, be corrected and amended, by inserting "that the consideration of the said Petition was ordered to be postponed to this day."

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Armstrong, Aylwin, Baldwin, Berthelot, Bertrand, Boutillier, Cameron, Cauchon, Chatot, Chauveau, DeWitt, Drummond, Guillet, Jobin, Lacoste, La-Fontaine, Lantier, Leslie, Macdonell of STORMONT, McConnell, Méthot, Morin, Powell, Price, Prince, Roblin, Small, Smith of WENTWORTH, Taché, Taschereau, and Thompson--(31.)

NAYS.

Boulton, Brooks, Chalmers, Colville, Cummings, Daly, Dickson, Duggan, Dunlop, Ermatinger, Gowan, Greive, Hale, Hall, Jessup, Johnston, Laurason, Macdonald of CORNWALL, Macdonell of DUNDAS, Moffatt, Murney, Papineau, Petrie, Riddell, Robinson, Scott, Seymour, Sherwood of BROCKVILLE, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Stewart of PRESCOTT, Webster, and Williams--(34.)

So it passed in the negative.

Petitions
brought up.

The following Petitions were severally brought up and laid on the table,

By Mr. Colville, the Petition of Patrick Buchanan and others, inhabitants of the township of Dundee, in the county of Beauharnois.

By Mr. Smith, of Frontenac, the Petition of James W. Brown and others, inhabitants of the township of Kingston.

By Mr. Thompson, the Petition of Joseph Gee and others, inhabitants of the county of Haldimand; the Petition of John De Cow, senior, and others, inhabitants of the county of Haldimand; and the Petition of Richard Brown and others, inhabitants of Cayuga.

By Mr. Scott, the Petition of Joseph Rogers and others, inhabitants of the county of Two Mountains; and the Petition of Zozime Maçon and others,

inhabitants of the county of Two Mountains.

Petitions
brought up.

By the Honourable Mr. Baldwin, the Petition of Donald Cameron, of the township of Thorah, in the Home District.

By the Honourable Mr. Solicitor General Sherwood, the Petition of the members of the Toronto Board of Trade; and the Petition of Leonard Wilcox, of the city of Toronto.¹

MR. SOLICITOR GENERAL ((HENRY)) SHERWOOD, in presenting ... ((this)) petition praying for the incorporation of the city of Toronto, moved for an extension of the time for receiving private petitions to 21 days.² His immediate object in making this motion was, that a petition which he had received from the Trinity Board of Quebec, praying for an Act of Incorporation, might be laid before the House.³

Leave was granted to bring in the petition.⁴

(44)

By the Honourable Mr. Moffatt, the Petition of the Reverend Mark Willoughby, Superintendent of the Newfoundland and British North American School Society.

By Mr. Méthot, the Petition of Jean Bte. Bellefeuille and two others, ferrymen, residing on the south shore of the St. Lawrence, opposite the town of Three Rivers.

By Mr. Greive, the Petition of Pierre Vezina, Esquire, on behalf of the inhabitants of the town of Three Rivers.

By Mr. Macdonald, of Kingston, the Petition of Alexander Smith and others, cordwainers, of the town of Kingston.

By the Honourable Mr. Aylwin, the Petition of the council of the Quebec Board of Trade; and the Petition of William Bethell, of Quebec.

By Mr. Duggan, the Petition of N. H. Baird, Civil Engineer.

By Mr. Macdonell, of Dundas, the Petition of Archibald M'Bean and others, proprietors of saw mills, and manufacturers of lumber in Canada.

By Mr. Robinson, the Petition of William Laughton, proprietor of the Royal Mail Steam Packet Beaver, on Lake Simcoe.

By Mr. Price, the Petition of James Hervey Price, of the city of Toronto, Esquire.

Pursuant to the Order of the Day, the following Petitions were read:--

County of St.
Hyacinthe con-
tested Election.

Of Leonard Boivin and others, electors of the county of St. Hyacinthe; setting forth:--

That an Election, having for its object the choice of a man qualified to represent the County of St. Hyacinthe in the Legislative Assembly of the Province of Canada, was held in the said County, on the twenty-eighth and twenty-ninth days of the month of October last, by virtue of a writ to that effect issued.

That the Candidates, at the said Election, were Thomas Boutillier, Esquire, and Louis Antoine Dessaulles, Esquire, both of St. Hyacinthe.

That during and before the said Election, the said Thomas Boutillier, Esquire, by himself, or by agents by him authorised, in divers parts of the County, caused threats to be made use of towards a great number of Electors who were disposed to vote in favour of the said Louis Antoine Dessaulles, Esquire, and that by such illegal acts a great number of the said Electors were, in fact, prevented from voting; that the said threats consisted in giving the said Electors to understand, and even in threatening directly, that they would immediately be forced to pay what they might owe to the said Thomas Boutillier, Esquire, or his authorised agents in different parts of the County, if they gave their votes in favour of the said L. A. Dessaulles, Esquire; that in consequence of such conduct, the County of St. Hyacinthe, wherein the majority of the Electors would have voted in favour of the said L. A. Dessaulles, Esquire, if they had not been prevented from doing so by threats and other illegal acts, is not now represented in your Honourable House by a man possessing the confidence of the majority of the Electors.

That the said Thomas Boutillier, Esquire, by himself, and even by one of his Clerks, gave out, in several parts of the County, that during

(45)

the whole of the said Election, all his voters would find, at his own house, tables furnished with every thing necessary, and that in fact during the whole of the twenty-first day of October, on which day the nomination of the Candidates for the said County took place, and also during the whole of the said Election, on the twenty-eighth and twenty-ninth days of October last, the partisans of the said Thomas Boutillier constantly found an open table at his house, several of them even profiting by the opportunity thus offered them of drinking strong liquors, drank immoderately, and became intoxicated, to the great scandal of the respectable and peaceable inhabitants of St. Hyacinthe, and in direct contravention to the law; that besides keeping open table at his house, the said Thomas Boutillier, Esquire, kept open for his partisans houses of public entertainment, and gave valuable considerations to the

proprietors of the said Houses to indemnify them for the expenses they incurred.

That the said Thomas Boutillier, Esquire, by himself, or by agents authorised by him, furnished money and valuable considerations to a great many persons, with a view to engage the Electors to be present at the different Polls, and in direct contravention to the provisions of the law.

That the Deputy Returning Officer for the Parish of St. Cesaire, in the said County of St. Hyacinthe, before the said Election, but after he had received his commission, strongly endeavoured to ensure the success of the said Thomas Boutillier, Esquire, his brother, and that in the afternoon of the second day of the said Election, he closed the Poll several minutes before five, the hour prescribed by law, so that on that day the Poll was not kept open during eight whole hours, intending thereby to prevent Donald George Morison, Esquire, representing the said Louis A. Dessaulles, Esquire, from voting and entering in the Pollbook his Protest against certain irregularities therein contained, and for other reasons, as was his intention, but which the Deputy Returning Officer would not allow him to do; that, moreover, the said Deputy Returning Officer furnished valuable considerations to some of the Electors to induce them to vote in favour of his brother the said Thomas Boutillier, Esquire.

That the Deputy Returning Officer of the Parish of Ste. Rosalie, in the said County of St. Hyacinthe, showed a decided partiality in favour of the said Thomas Boutillier, Esquire, by causing the balls administered to the voters to be written at full length in the Poll-book for the said Parish, intending thereby to delay the polling of the votes, notwithstanding the opposition and the formal objections made by the representative of the said L. A. Dessaulles, Esquire; that this extraordinary, unusual, and unheard of practice, had the effect of virtually disfranchising a great number of Electors, as by proceeding in such a manner, only one vote could be polled every forty minutes, and that in fact during the afternoon of the twenty-eighth of October, between two and five o'clock, only five votes were taken in the Parish of Ste. Rosalie; that a great number of voters, who had come for the purpose of voting for the said L. A. Dessaulles, Esquire, seeing how matters stood, and that it would be impossible for them to give in their votes, went away, and would not return on the next day, the twenty-ninth of October, saying that the whole day would be taken up in polling fifteen or sixteen votes; that at about one o'clock in the afternoon of the twenty-eighth of October last, during the said Election, an Elector having come forward to give his vote at the Ste. Rosalie Poll-house, the Deputy Returning Officer's Clerk, who was acquainted with him, and who knew that he intended to vote for the said L. A. Dessaulles, Esquire, detained before receiving his vote with the agents and representatives of the said Thomas Boutillier, Esquire, and remained in consultation with them during

about fifteen minutes, and when they returned this Elector was required to take several oaths, and it was then that the Deputy Returning Officer allowed the Poll Clerk of the said Parish to write down the oaths in the Poll-book; before this consultation between the said Poll Clerk and the said Agents and representatives of the said Thomas Boutillier, Esquire, no oath had been required; and your Petitioners aver, that not one of the persons present had the slightest doubt that a collusion existed between the said Poll Clerk and the said agents of the said Thomas Boutillier, Esquire; they were moreover confirmed in this opinion by the conduct of the said Poll Clerk who, after having received his commission, had on the twenty-seventh, the day before the said Election, delivered a violent address in favour of the said Thomas Boutillier, Esquire, and against the said L. A. Dessaulles, Esquire, at the door of the church of Ste. Rosalie, and who, even during the Election, was present at the meetings of the Electors which took place in the house and in the presence of the said Thomas Boutillier, Esquire.

That in the Parish of St. Dominique, in the said County of St. Hyacinthe, the Deputy Returning Officer, notwithstanding the opposition of the representatives of L. A. Dessaulles, Esquire, and the objections made by the Electors, obliged a great number to take the oath (No. 5) before consenting to take their votes, in direct contravention to the law which declares that this oath shall be given by the Electors of Cities and Towns only; besides it is evident by the wording of the oath, that it cannot be administered to proprietors from the country generally; that your Petitioners firmly believe that this illegal and odious mode of proceeding had been recommended and prescribed by the said Thomas Boutillier, Esquire, to his representative who is his clerk; because the said Thomas Boutillier, Esq., had stated to a person who was in a favour of the Election of the said L. A. Dessaulles, Esquire, that he would act in that manner, and that Mr. Dessaulles' party could act accordingly. That this illegal and vexatious mode of proceeding had the effect of depriving the said L. A. Dessaulles, Esquire, of a large number of votes; because, a great many Electors who had come for the purpose of voting in his favour, seeing themselves unprotected by every one, even by the Deputy Returning Officer of the said Parish, whose duty it was to protect them, and who refused to listen to their objections, withdrew without voting; fearing lest they should profane the sacredness of their oath by unnecessarily swearing what they knew to be untrue.

That in the Parish of St. Damas, in the said County of St. Hyacinthe, the Deputy Returning Officer appointed for that Parish, and his Poll Clerk, did not take the oath by law required, as appears by the Poll-book of the said Parish, wherein no such oath is to be found; that the said Poll-book is irregular, as it does not mention at what hour the Poll of the said Parish was opened, nor at what hour it was closed, and that after the pretended Poll-book of the said Parish was closed, three votes were polled.

That in the Parish of St. Simon, in the County of St. Hyacinthe, the Deputy Returning Officer of the said Parish showed an offensive and decided partiality in favour of the said Thomas Boutillier, Esquire, after he had received his appointment as Deputy Returning Officer, by delivering to the Electors public addresses, in which he attacked the said L. A. Dessaulles, Esquire, in a violent manner, and that moreover, he entered his own vote, and that of his Poll Clerk in favour of the said Thomas Boutillier, Esquire, at the end of the Poll-book of the said Parish of St. Simon; and that, for that purpose, the said Deputy Returning Officer and his said Poll Clerk, administered to each other the qualification oath, thereby acting entirely contrary not only to the meaning but even to the letter of the law.

That without these active and constant intrigues of several of the Deputy Returning Officers, and without the threats which were made use of in different Parishes towards the Electors of the said L. A. Dessaulles, Esquire, he would unavoidably have had a majority in his favour; and your Petitioners have not the slightest doubt that he would have been elected by a large majority, and that even without the said illegal practices, the said L. A. Dessaulles, Esquire, would have been elected had there been four days of polling, in which case the said L. A. Dessaulles, Esquire, and those who were favourable to him, would have had time to counteract the pernicious effect of the said illegal acts, and cause several hundred Electors to vote for the said L. A. Dessaulles, Esquire, who had not yet been able to vote on account of the said illegal acts.

That in consequence of the reasons above mentioned, your Petitioners are perfectly confident that your Honourable House will take their humble Petition into serious consideration, and will declare the seat of the said Thomas Boutillier, Esquire, to be vacant; he having only obtained a majority by means contrary to law and to public morality,

(46)

Petitions read.

Of the Reverend Henry Von Rohr, of the Evangelical Lutheran Church, in the township of Humberstone, in the district of Niagara, praying to be naturalized as a subject of Her Majesty.

Of Charles White and others, members of the community of the Evangelical Lutheran Church of Humberstone, praying for an Act to naturalize their minister, the Reverend Henry Von Rohr, free of expense.

Of the Reverend François Labelle and others, of the parish of L'Assomption, in the county of Leinster, praying an aid to enable them to complete a building they have commenced for a girls' school on an extended scale.

Of the Reverend Thomas Pepin and others, of the county of Chambly,

praying the repeal of the Ordinances concerning winter carriages, and that the inhabitants be bound to keep up the road to the width of eight feet.

Of the Reverend Pierre M. Mignault, founder and superior of the College of Chambly, praying for aid in support of the said College.

Of Mrs. M. A. J. Hertel De Rouville, widow of the late Honourable Lieutenant Colonel C. M. De Salaberry, C. B., and now wife of John Glen, Esquire, praying that the limits of the privilege asked for by John Yule, junior, Esquire, by his Petition for leave to construct a toll bridge over the river Richelieu, may be restricted to a certain distance below the isle Ste. Thérèse.

Of Joseph Daout and others, inhabitants of the island of Montreal, in the district of Montreal, praying the repeal of the Ordinance 3 and 4 Victoria, cap. 25, concerning winter carriages, and that the inhabitants be bound to keep up the roads eight feet in width.

Of John Clarke and others, inhabitants and proprietors of Côte St. Martin, Pointe Pointe, and other places, complaining of certain illegal and unjust acts on the part of the trustees of the turnpike roads in the vicinity of and leading to the city of Montreal, and praying relief.

Of Aaron A. Adams and others, inhabitants of the townships of Barnston and Barford, praying for an Act to incorporate the Barnston Academy, and for an aid in support of the said institution.

Of Albert Knight and others, trustees of Stanstead Seminary, praying for a grant in support of the said institution.

Of E. S. Clarke and others, inhabitants of the townships of Barnston and Barford, praying for the grant of a certain sum to aid them in opening a new road through the said townships.

Of Augustus Abbott and others, inhabitants of the county of Stanstead, praying for an aid to complete and repair a certain road, leading through the eastern townships to the city of Montreal.

Of Solomon Steele and others, inhabitants of the township of Stanstead and its vicinity, praying for an aid to rebuild a bridge over the river on the mail route to the United States.

Of C. C. Grece and others, proprietors whose lands are intersected by the Grenville canal, praying to be indemnified for certain injuries, and relieved from certain inconveniences, resulting from the said canal.

Of the Reverend Joseph Duquet and others of St. Martin, and other parishes in the county of Terrebonne, praying that the Registry Office

of the said county may be removed from Terrebonne to Ste. Thérèse.

Of John Burwell, Esquire, of Port Burwell, in the district of London, praying that certain measures may be adopted, and an aid granted to improve the harbour of Port Burwell.

Of Pierre Allard and others, inhabitants of the city of Quebec, praying that a duty of twenty-five per cent, may be imposed on American biscuit imported into this Province.

Of Thomas Miles and others, inhabitants of the parish of Chambly, praying to be incorporated under the name of "The Chambly Cotton Manufacturing Company."

Of the Ladies forming the Committee of Management of the Montreal Lying-in Hospital, praying for an aid in support of the said institution.

Of Thomas White and others, boot and shoe manufacturers of Montreal, praying that a certain duty may be imposed on Boots and Shoes imported into this Province from the United States.

Of Felix Fortier, Esquire, Clerk of the Crown in Chancery, praying indemnity for loss of fees, or for an increase of salary.

Of James Dallas, Esquire, Warden, and others, freeholders and inhabitants of the district of Simcoe, praying for the survey and improvement of the eastern branch of the Holland River.

Of Eusèbe Cartier and others, inhabitants of the county of St. Hyacinthe, praying an aid or endowment for the College or Seminary of St. Hyacinthe.

Of James Blackburn and others, inhabitants of the township of Hull and its vicinity, praying for a grant to make a plank road from the Union Suspension Bridge to the wharf at Aylmer.

Of John Egan and others, inhabitants of the county of Ottawa, and of the south bank of the river Ottawa, praying that the county of Ottawa may be erected and declared an inferior district.

Of Antoine Lozeau and others, inhabitants of the seigniority of La Baie St. Antoine, commonly called Baie du Fils de l'Homme, praying that the Act of Lower Canada, 2 George Fourth, chapter 10, concerning the Common of the said seigniority, may be further continued and amended.

Of Louis Richer Lafleche and Louis Guillet, Esquires, of the county of Champlain, praying to be indemnified for losses sustained by them as Commissioners named to superintend the erection of a bridge over the River Ste. Anne, in the said county of Champlain.

Of William Cottingham, of the township of Emily, praying for compensation for injury to his property, by the erection of a dam at Buckhorn rapids, by the Board of Works.

Of the Honourable J. R. Rolland and others, inhabitants and proprietors of the counties of Chambly, Rouville, and other places, praying for an aid to continue the planked road from its termination at Chambly to the village of Granby.

Of William Henry Lemoine, Esquire, returning officer of the county of Montmorency, praying for the payment of certain expenses incurred by him during the last election for the said county.

Of E. Colville and others, inhabitants of the parish of St. Anicet, praying that the township of Godmanchester may be divided into two townships, and that an aid may be granted for making certain roads in the same.

(47)

Of S. Derbshire, Esquire, of the city of Montreal, praying an aid to enable Théophile Hamel, a young Canadian Painter, to complete his studies at Rome, where he now is.

Of the Municipal Council of the Municipal district of St. Hyacinthe; praying that an aid or endowment may be granted to the College of St. Hyacinthe.

Of William Gamble and others, inhabitants of the Home District, praying to be incorporated as "The Humber, Harbour and Road Company."

Fourth Riding
York contested
Election.

Of Charles H. Howard and others, electors in and for the Fourth Riding of the county of York, setting forth:--

That at the late Election, holden in and for the Fourth Riding, to elect one Member to represent the said Fourth Riding in Parliament, no legal Poll was holden in and for the Township of Brock, in the said Riding; that the Returning Officer appointed to hold the Election in and for the said Fourth Riding, did, as required by law, appoint, by warrant under his hand and seal, a Deputy Returning Officer and Poll Clerk in and for the said Township of Brock; that the said Deputy Returning Officer for the said Township of Brock did, without any authority from the said Returning Officer, or otherwise, appoint another Poll Clerk to hold the said Election, and that the Poll, in and for the said Township of Brock, was illegally holden, and in consequence thereof a great number of Electors did not proceed to the said Poll because they could not legally record their votes, and, consequently, that the Honourable Robert Baldwin returned by the Returning Officer as duly returned to represent the said Riding in Parliament, is illegally returned.

Further, that a large number of illegal votes were received and polled for the said Robert Baldwin, exceeding in number the majority of the said Robert Baldwin on the general Poll of the said Riding.

Further, that great corruption was used to induce Electors to vote for the said Robert Baldwin by the said Robert Baldwin and his agents.

Your Petitioners, therefore, humbly pray that your Honourable House will cause a new Election to be held in and for the said Fourth Riding, or declare William Edwin Thompson Corbett, Esquire, a Candidate at the said Election, to be the sitting Member, if it shall appear that he has a majority of legal votes tendered for him.

County of
Norfolk con-
tested Election.

Of David Duncombe, Esquire, late a candidate
for the county of Norfolk, and others, his supporters,
setting forth:--

That at the recent Election for the said County the qualification of Israel W. Powell, Esquire, one of the Candidates, was demanded by an Elector, at the Polling Place in the Township of Walsingham; that the said Israel W. Powell was not present to make the declaration required by law, and that no declaration or copy of a declaration was present at the said Polling Place, and that in consequence thereof the Deputy Returning Officer (Titus Williams, Esquire,) refused to receive any more votes for either of the Candidates at the said Election until the said declaration could be obtained; and as it could not be obtained before the time specified by law for the final closing of the Poll, no more votes were taken for the undersigned David Duncombe, and a majority of four votes appearing on the gross Poll for Israel W. Powell, he was declared elected.

Your Petitioners beg further to represent that the said Israel W. Powell had not, according to the provisions of the Statute 4th and 5th Vic. cap. 52, delivered to the Returning Officer for the said County any declaration of his qualification, and that the undersigned David Duncombe had done so, and that a copy of it was present at each Polling Place; and your Petitioners believe that under these circumstances it was the duty of the Deputy Returning Officer to continue to receive votes for the undersigned David Duncombe, your Petitioners, therefore, humbly pray that the said David Duncombe may be declared the sitting Member instead of the said Israel W. Powell, or that a new Writ may be ordered to issue for the said County, as to your Honourable House shall seem fit, that justice may be done in the premises.

Petitions read.

Of Michel Houle and others of the city of
Montreal, carters, praying that certain parts of the
Ordinance, 4 Victoria, chapter 33, concerning winter roads, may be revived
and enforced.

Of J. Filteau and others, inhabitants of the parishes of St. Louis de Lotbinière and St. Jean les Chaillons, in the county of Lotbinière, praying an aid for the construction of a bridge over the Rivière du Chêne in the said county.

Of Benjamin Burland, gauger in the department of the Customs, and others, landing-waiters at the inland port of St. Johns, praying for an increase of their present salaries.

Of the President and Members of the Quebec British and Canadian School, praying for the usual grant in support of the said school.

Of Charles Poston and others, inhabitants of the city of Quebec, praying that the Quarantine Station may be removed from Grosse Isle to its former place off the river St. Charles.

Of Alfred Hawkins, of the city of Quebec, praying the patronage of the Legislature, for an engraved plan of the naval and military operations before Quebec in the year 1759.

Of A. Wells and others, inhabitants of Potton, Bolton, and other townships, praying for a grant to make, repair, and alter, certain parts of the road leading from Memphremagog to Mount Johnson.

Of the venerable George O'Kill Stuart and others, proprietors of lot number 24, in the first concession of the township of Kingston, in the county of Frontenac, praying that the said lot may not be included in the limits of the Corporation of the town of Kingston.

County of
Wentworth
contested Elec-
tion.

Of Michael Aikman, Esquire, of the township of Barton, in the county of Wentworth, setting forth:--

That your Petitioner was a Candidate at the late Election for a Member to represent the said County of Wentworth in your Honourable House, that he has reason to believe that he lost his Election upon the following grounds set forth in his protest delivered to the Returning Officer at the return day of said Election, of which the following is a copy--

Firstly, Because many Electors were not allowed to vote at said Election upon freeholds situated in the town of Hamilton and not voted upon for a Member to represent the said town, notwithstanding such freeholds are subject to county assessments, whereby a large number of Electors were deterred from voting for Michael Aikman.

Secondly, Because a great number of persons were allowed to vote for the said Harmannus Smith, Esquire who were not legally qualified to vote at said Election.

Thirdly, Because several of the Deputy Returning Officers and Poll Clerks gave their votes for the said Harmannus Smith, Esquire, they not being legally qualified to vote in consequence of the official capacity in which they were acting.

Fourthly, Because threats were held out to several persons employed by the friends of the said Harmannus Smith, Esquire, that if they voted for Michael Aikman, Esquire, they would be discharged from such employment thereby deterring them from exercising the elective franchise.

Your Petitioner therefore humbly prays that your Honourable House will cause the grounds of his said protest to be enquired into, and if found sufficient, that the said Election be declared void, and a writ issued for a new Election, or that your Honourable House would cause justice to be done in the premises in such other way as your Honourable House in its wisdom may devise.

(48)

Petitions read.

Of the Reverend Charles J. Ducharme, Curé of the parish of Ste. Thérèse de Blainville, in the county of Terrebonne, praying that an aid be granted towards the support of the College of Ste. Thérèse, founded by him.

Of the Reverend Charles J. Ducharme, of the parish of Ste. Thérèse de Blainville, in the county of Terrebonne, praying that the College of Ste. Thérèse, founded by him, may be incorporated by an Act of the Legislature.

Of the Reverend Raphael Neyron, Curé of St. Benoit, praying that a compensation be granted to the inhabitants of that parish, for the burning of their Church by the Volunteers in 1837.

Of Jonathan Merry and others, inhabitants of the townships of Bolton and Hatley, in the county of Stanstead, praying that certain portions of the said townships may be set apart as a separate township, under the name of Rockport, to belong to the district of Sherbrooke.⁵

The Speaker ((SIR ALLAN MACNAB)) said that the petition could not be received, on account of its containing no prayer.⁶

COL. PRINCE, however, read the petition, and said he hoped that the house would be a little indulgent in matters of mere form, towards backwoodsmen⁷. It was evident from the manner in which the petition had been drawn up, that it was done by a person unacquainted with the usual forms, but nevertheless the petition set forth, in sufficiently plain language, the fact of a grievance, and in his opinion it was the bounden duty of the House to take the matter into consideration, notwithstanding any more informality. He would, therefore, move that the petition be received.⁸

The question was then put and carried.⁹

The petition was then received.¹⁰

(48)

Of Marcus Child, Esquire, and others, inhabitants of the county of Stanstead, praying for an aid to construct a road through certain parts of the townships of Hatley, Barnston, and Barford, in the said county.

Of the Religious Ladies of the Congregation of Our Lady of Montreal, praying to be empowered to hold property, real and personal, to the amount of five thousand pounds yearly; and to be allowed to dispose of the same, and acquire other property to a like amount.

Hon. Mr. Morin to serve for Bellechasse.

The Honourable Augustin Norbert Morin, being chosen a Knight to serve in this Provincial Parliament, for the county of Saguenay, and also for the county of Bellechasse, made his election to serve for the county of Bellechasse.

New Writ for Saguenay.

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Chancery, to make out a new Writ for the election of a Knight to serve in this present Provincial Parliament, for the county of Saguenay, in the room of the said Honourable Augustin Norbert Morin.

Petitions referred.

Resolved, That the Petition of the Reverend Antoine Gosselin and others, of La Ste. Famille and other parishes in the island of Orleans, be referred to a Special Committee of five Members, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Rev. A. Gosselin and others.

Ordered, That Mr. Cauchon, Mr. Chabot, Mr. Chauveau, the Honourable Mr. Attorney General Smith, and the Honourable Mr. Aylwin, do compose the said Committee.

Julia Bell.

Ordered, That the Petition of Julia Bell, of the city of Toronto, widow, (relating to services performed by her late husband, to the House of Assembly of Upper Canada), be referred to the Standing Committee on Contingencies.

M. N. Corry, M. D., and others.

Ordered, That the Petition of M. N. Corry, M. D. and others, inhabitants of the township of Stanford, be referred to the Select Committee, to which were referred the several Petitions of the Municipal Council of the district of Niagara.

On motion of Mr. Sherwood, of Brockville, seconded by Mr. Hall.

*S. Y. Chesley,
Esquire, and
others.*

*Ordered, That the Petition of S. Y. Chesley,
Esquire, and others, Electors of the town of
Cornwall, complaining of the undue election
and return of Rolland Macdonald, Esquire, be
taken into consideration by this House, on Monday, the twenty-third day of
December, instant, at the hour of three o'clock in the afternoon, and
that notice to that effect, in writing, be forthwith given by the Speaker
to the Petitioners and the sitting Member, according to the provisions
of the second clause of an Act, passed by the Parliament of Upper Canada,
during the fourth year of the Reign of His late Majesty, George the
Fourth, chapter four.*

MR. SMALL¹¹ ... took occasion to refer to the insinuations made in the debate which took place yesterday, that it was not intended to send a petition to the House complaining of the return of the sitting Members for the City of Toronto, and, in order to vindicate himself, to read a letter which he had received this day on the subject. The honorable gentleman then read an extract from a letter¹². It was as follows: "Every exertion will be made to forward you the petition before the end of the fourteen days; but if it does not go away to-night I fear this will be impossible."¹³

MR. BOULTON¹⁴ moved, seconded by MR. DUGGAN (sic), that the petition against the return of the hon. James Small, for the Third Riding of the County of York, be taken into consideration on the 18th instant, at half-past four o'clock, P. M.¹⁵

MR. SMALL said that he had been informed by Mr. Boulton that that part of the petition would be abandoned, which contained the charge of polling bad votes. The only charge, therefore, was one of perjury; for if a man presented himself as a candidate to represent any constituency and took the oaths, he could be clearly indicted on that charge.¹⁶ By the Union Act an oath was prescribed by which a candidate was compelled to swear that he possessed property to a certain value and to describe such property. Both these requisitions he had complied with, and, therefore, the proposed inquiry would be, whether or not he had committed perjury¹⁷. Therefore, if the House thought it was a proper tribunal to try this qualification, it would be well for his constituents to have it settled as soon as possible; but he maintained that ((he)) could be tried by a Court of Law and a Jury of his countrymen only.¹⁸

MR. GOWAN said that the Hon. gentleman who had presented the petition against the return of the Hon. Member for the Third Riding of York, had no power to enter into an arrangement such as that which had been stated. It was for the Committee to whom the petition would be referred to examine the allegations of the petition. He thought, however,

that it would be better if the Hon. gentleman would give a little longer time, as it seemed to him requisite, in order that the petitioners might be informed of the action upon their petition.¹⁹

MR. DUGGAN said, it was always understood that those gentlemen who had charge of petitions should be allowed to conduct them according to their own views, of the best mode of forwarding the wishes of the petitioners. He thought the hon. gentleman was quite at liberty to take the course proposed by him²⁰, but differed from the Hon. gentleman from the Third Riding of York as to the view which he had taken of the powers of a Committee of the Assembly. He was of opinion that upon all matters affecting the seats of Members of the House, a Committee was the proper tribunal before whom they may be investigated.²¹

MR. BOULTON said Hon. gentlemen need not be at all alarmed; he had entered into no arrangement with the Hon. Member for the Third Riding of York; but, as he intended only to press one point set forth in the petition - the want of qualification, he had thought proper to inform the Hon. Member of the fact, that he might shape his course accordingly.²²

MR. SOLICITOR GENERAL ((HENRY)) SHERWOOD remarked, that the Hon. Member for the Third Riding had not put the question before the House in a proper light. It would not follow that if a Committee of the House found that he was not possessed of the required qualification, therefore he had perjured himself. It was not an accusation of wilful and corrupt perjury, but a fact which would be for a Committee to try. For instance, the Hon. gentleman's property might be encumbered in a peculiar way so as to render it actually not worth £50; or it might be that the Hon. gentleman valued a certain piece of property at £500, which ((to)) a Committee might seem not worth half that sum; in neither case would any thing like Perjury be charged; although the allegation of the petition would be established. It was absurd to suppose that the Hon. gentleman was to be sent for trial to a Court of Oyer and Terminer, and that the House must wait for the decision of a jury before proceeding with the petition. And if a jury were to acquit (sic) the Hon. gentleman of wilful and corrupt perjury, that would not alter the right of the petitioners to establish the allegation, that in fact he was not possessed of the required qualification.²³ That was the only question, and it might be tried at the bar of the House, as was formerly the practice in Lower Canada, or by special committee, according to the Upper Canada practice.²⁴ A Committee of that House was a competent and, indeed, the only tribunal before which such an allegation could be tried.²⁵

The motion was then put and carried.²⁶

(48)

On motion of Mr. Boulton, seconded by Mr. Robinson,

Third Riding
York contested
Election.

Ordered, That the Petition of Robert Harrison and others, Electors of the Third Riding of York, complaining of the undue election and return of James Edward Small, Esquire, to represent the Third Riding of the county of York, be taken into consideration by this House, on Wednesday, the eighteenth day of December, instant, at the hour of four o'clock, P. M., and that notice to that effect, in writing, be forthwith given by the Speaker to the Petitioners and to the sitting Member, according to the provisions of the second clause of an Act, passed by the Parliament of Upper Canada, during the fourth year of the Reign of His late Majesty, King George the Fourth, chapter four.

On motion of Mr. Boulton, seconded by Mr. Robinson,

County of
Norfolk contested
Election.

Ordered, That the Petition of David Duncombe, Esquire, late a Candidate for the county of Norfolk, and others, his supporters, complaining of the undue election and return of Israel Wood Powell, Esquire, to represent the county of Norfolk, be taken into consideration by this House, on Saturday, the twenty-eighth day of December instant, at the hour of four of the clock, P. M., and that notice to that effect in writing, be forthwith given by Mr. Speaker to the Petitioners and to the sitting Member, according to the provisions of the second clause of an Act, passed by the Parliament of Upper Canada, during the fourth year of the Reign of His late Majesty, King George the Fourth, chapter four.

C. Richardson
and others.

Resolved, That the Petition of Charles Richardson and others, inhabitants of the town and district of Niagara, be referred to a Select Committee, composed of Mr. Dickson, Mr. Cummings, Mr. Thompson, Mr. Chalmers, and Mr. Macdonald, of Cornwall, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Guillaume
D'Eschambault.

Ordered, That the Petition of Guillaume D'Eschambault, of the village of Laprairie de la Magdelaine, be referred to the Standing Committee on Contingencies.

A. Hawkins.

Resolved, That the Petition of Alfred Hawkins, of the city of Quebec, be referred to a Select Committee of five Members, composed of the Honourable Mr. Aylwin, Mr. Christie, Mr. Dunlop, Mr. Chabot, and Mr. Chauveau, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

George Pozer,
Esquire.

*Resolved, That the Petition of George Pozer,
Esquire, of the city of Quebec, be referred
to a Select Committee, composed of the Honourable
Mr. Aylwin, Mr. Chabot, Mr. Chauveau, Mr. Drummond, and Mr. Cauchon, to
examine the contents thereof, and to report thereon with all convenient*

(49)

speed; with power to send for persons, papers, and records.

J. Donegani.

*Resolved, That the Petition of Joseph Donegani,
of the city of Montreal, merchant, be referred
to a Select Committee, composed of the Honourable Mr. Aylwin, the
Honourable Mr. Moffatt, Mr. Jobin, the Honourable Mr. Attorney General
Smith, the Honourable Mr. Solicitor General Sherwood, Mr. Smith of
Frontenac, and Mr. Johnston, to examine the contents thereof, and to
report thereon with all convenient speed; with power to send for persons,
papers, and records.*

Rev. Henry
Van Rohr.

*Ordered, That the Petition of the Reverend Henry
Van Rohr, of the Evangelical Lutheran Church,
in the township of Humberston, in the district
of Niagara; and the Petition of Charles White and others, Members of the
Community of the Evangelical Lutheran Church of Humberston, be referred
to the Select Committee to which were referred the several Petitions of
the Municipal Council of the district of Niagara, and other references.*

Simcoe Church
Lands Bill.

*Mr. Powell, from the Select Committee to which
was referred the Petition of the Reverend Francis
Evans and others, inhabitants of Simcoe, district
of Talbot, with power to report by Bill or otherwise, presented to the
House a Bill to enable the Trustees holding a certain Lot in the town of
Simcoe, for the use of a church, to sell or convey the same or any portion
thereof, and to appropriate the proceeds to a like use: which was
received and read for the first time, and ordered to be read a second
time on Wednesday next.*

District Court
Bill.

*Ordered, That the Honourable Mr. Solicitor
General Sherwood have leave to bring in a Bill
to amend, consolidate, and reduce into one
Act, the several laws, now in force, establishing or regulating the
practice of District Courts in the several districts of that part of this
Province formerly Upper Canada.*

*He accordingly presented the said Bill to the House, and the same
was received and read for the first time,²⁷*

*MR. SHERWOOD moved that it be read a second time on the first day of
February next.²⁸*

COL. PRINCE thereupon rose and said - What are we to understand, Mr. Speaker, from a motion postponing the consideration of this Bill for so long a period? Is it made in view of having a long recess, which I have heard spoken of? The first of February, Sir! Does the hon. member suppose that we, who live in a remote part of the Province, are to be kept in this city, for several weeks, kicking our heels about the streets, merely in order to allow certain other gentlemen, who live at a more convenient distance, to go to their homes, and enjoy their Christmas holidays? What! cannot we afford to devote our time and attention to the public business, without taking holidays, like so many school-boys? Is not one week sufficient for gentlemen who desire to pay their devoirs to the ladies? It is childish to talk about holidays. It is due to our constituents, who are most of them farmers, like myself, that we should attend to the business which we have been deputed to perform, and I hope sincerely that no such thing as a long adjournment will take place.²⁹

MR. JOHNSTON said, he cared not whether hon. members, like children, took holidays or not, but he thought that this Bill should not be proceeded with too hastily. It was a very important Bill, and a complicated one, and would require a fortnight's time, at least, for consideration.³⁰

MR. R. MACDONALD was of opinion that time should be allowed for due examination of the provisions of this Bill, and for obtaining the opinions of professional gentlemen, who are not members of this House.³¹

MR. BALDWIN remarked, that as to the period of postponement it would in some degree depend on the length of the recess which it was intended the House should take; nevertheless it would be desirable that members of the profession in Upper Canada, should have an opportunity of communicating with members of the House on the subject.³²

The motion was adopted³³.

(13)
and ordered to be read a second time on Saturday the first day of February next.

Ordered, That five hundred copies of the said Bill be printed for the use of the Members of this House.

Small Debts
Bill.

Ordered, That the Honorable Mr. Solicitor General Sherwood have leave to bring in a Bill to amend an Act passed in the fourth and fifth years of the reign of Her Majesty, intituled, "An Act to repeal the Laws now in force in that part of this Province formerly Upper Canada, for the recovery of small debts, and to make other provision therefor."

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Saturday, the first day of February next.

On motion of Mr. Lantier, seconded by Mr. Jobin,

Wells' Report
on Province
Line between
Upper and
Lower Canada.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a copy of the Report made by Alphonso Wells on the line of division between the two sections of this

Province which formerly constituted the Provinces of Upper and Lower Canada, with such information and documents as His Excellency may think proper to communicate with regard to the said line.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency, the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered, and is as followeth:--

C. T. METCALFE.

41st Section
Union Act.

The Governor General informs the Legislative Assembly, in reply to their Address with reference to the 41st Section of the Union Act, that no correspondence on the subject thereof, since the passing of that Act, can be traced, except a confidential Despatch from the Governor General to Her Majesty's Secretary of State, and a confidential Despatch from his Lordship in reply thereto, which documents the Governor General does not consider himself at liberty to lay before the House.

GOVERNMENT HOUSE,
Montreal, 11th December, 1844.

The Honourable Mr. Daly also laid before the House, by command of His Excellency, the Governor General,

Fines, Forfeitures and
Recognizances.

Return to an Address of the Legislative Assembly to His Excellency, the Governor General, bearing date the 27th October, 1843, praying that His Excellency will be pleased to cause to be laid before

the House, a tabular Statement of the fines, forfeitures and recognizances, inflicted incurred and estreated, at the several courts held in this Province during the year 1842; and also the fines imposed by Justices of the Peace and payable to the Receiver General, for the uses of this Province, during the same period, the amount received in each case, and the steps taken to recover the sums remaining unpaid.

(For the said Return, see Appendix II.)

Also,

Post Office
Department.

Return to an Address of the Legislative Assembly to His Excellency, the Governor General, bearing date the 17th of October, 1843, praying that he would be graciously pleased to direct that the correspondence which has passed between the Home and Provincial Governments respecting the Post Office Department in this Province, or of British North America, and also of the United States of America, relative thereto, or any other information upon the same subject which His Excellency may deem necessary, and please to communicate, may be laid before the House, and also quarterly statements, shewing the gross amount of receipts and expenditures of the said Department in this Province from the 5th January, 1841, to the 5th January, 1843; the amounts of receipts derived from letter postage, and also the amount of newspaper and pamphlet postage, stated separately, with the amount of perquisites arising from the latter description of postage, during the same period, to the Deputy Post Master General of this Province, or to his deputies, separately stated, and also the amount of postage charged to and paid out of the Provincial Funds of this Province, stating the amount paid by each department separately, during the same period; also any information relative to the Commission of Post Office Enquiry referred to from the Throne in the opening Speech of the first session of the present Parliament, and further a statement of salaried officers in the said Post Office Department of this Province, the amount thereof separately, and from what part of the funds thereof paid--whether from the aggregate of letter or newspaper and pamphlet postage, naming the officers in each office, and the amount actually paid

(50)

to each, or any other allowance to each for office rent, stationery or otherwise; and further, if any thing has been done to alter, augment, or reduce the present rate of postage, and if so, what the nature of such alterations is, and the grounds or authority by which the same has been done.

By Command,

D. DALY,
Secretary.

Secretary's Office,
Montreal, 27th Nov., 1844.

(For the Documents accompanying this said Return, see Appendix I.)

Also,

Consolidated
Revenue Fund.

Accounts and Statements respecting the Public
Income and Expenditure of the Consolidated
Revenue Fund of the Province of Canada for the year
1843.

(For the said Account and Statement, see Appendix A.)

And Also,

Government
Debentures.

Schedule of Government Debentures redeemed
and outstanding up to the 3rd December, 1844,
issued under the authority of Acts of the Provincial
Legislature of the Province of Canada, heretofore Upper Canada, and
Schedule of Bills of Exchange drawn upon the Treasury, on account of the
guaranteed loan of £1,500,000.

(For the said Schedule, see Appendix J.)

On motion of Mr. Cameron, seconded by Mr. Macdonell of Stormont,

Disbursements
of Returning
Officers.

Resolved, That an humble Address be presented to
His Excellency, the Governor General, praying
that His Excellency will be pleased to cause
to be laid before this House, the account and
charges presented by the several Returning Officers, in this Province,
for their disbursements, expenses, and remuneration, &c., during the late
Elections, with a statement of the amount which has been allowed, and
what charges, if any, have been disallowed.

Ordered, That the said Address be presented to His Excellency, the
Governor General, by such Members of this House as are of the Honourable
the Executive Council of this Province.

The Speaker ((SIR ALLAN MACNAB))³⁴ announced that the Orders of the
Day would now be proceeded with.³⁵

MR. HENRY SMITH rose and said that, before proceeding with the Orders
of the Day, he was desirous of moving for an adjournment. He was aware
that it would be difficult to meet the views of all parties, and to suit
the convenience of every hon. member; and he was forewarned of the
opposition he would meet with by the remarks of the hon. and learned

member for Essex (Col. Prince) who had, in anticipation of the motion he was about to make, announced his opposition to it, and declared that we should be acting like so many school boys by making so long an adjournment; but having consulted with hon. members on both sides of the House, he was led to believe that a majority of the House was in favour of his motion. He would at all events take the responsibility of moving an adjournment from Friday of next week until the first day of February next. He was satisfied that the business of the country would not be carried on in any better manner if the House should continue to sit during the holidays than if they were to allow a few weeks to elapse, and meet again on the day he had mentioned. Besides it had been the practice in England for many years, to adjourn for six, seven, and sometimes eight weeks. It would probably be intimated by gentlemen on the other side that this motion was made for the purpose of giving the Ministry time to prepare their measures, but he could assure them that he had proposed the motion without any communication with the Ministry on the subject. He believed they were prepared to go on with business, but he was persuaded that the interests of the country were not likely to suffer at all by having a recess, and he would therefore move that when this House adjourns on the 20th instant, it stand adjourned until the first day of February next, and that the per diem allowance of members for that period be deducted.³⁶

(50)

Mr. Smith of Frontenac moved, seconded by Mr. Macdonell of Stormont,

Adjournment
of the House
during Holydays.

That when the House doth adjourn, on the 20th instant, it will stand adjourned until the first day of February next, and that in any Sessional allowance which may be made to members, the time intervening during the Recess be deducted therefrom.

COL. PRINCE said, the hon. member had very properly remarked that it was difficult to meet the views of all parties, and if the views of any party were met by this proposition, it could only be the gentleman's own party. What he asked ... could possibly, be the use of adjourning for such a length of time. He had frequently heard the expression "God save me from my friends," and he thought the Ministry might with just propriety on the present occasion exclaim "God save us from our friends" for the idea had never entered into his head until suggested by the hon. mover of this motion, that the Ministry required time to concoct their measures. They might or they might not want time, with that the public had nothing to do. From what he had seen of these gentlemen, it certainly did not appear to him that they were unprepared upon any subject and he thought they were but little indebted to the hon. member on their own side of the House for the insinuation which he had thrown out.³⁷ ((He)) apprised the gentlemen on the administration benches that none on that side of the house were engaged to dine with her Majesty at Windsor, this year, - so that a delay, enabling honourable members to go to England and

back again, was unnecessary.³⁸ To come to the marrow of the question, however, upon the order of business in that house stood a very important measure introduced by the hon. gentleman opposite, who was one of the present Ministry, (Mr. Papineau,) for the indemnification of sufferers in the late rebellion, and that measure was appointed for consideration on the 26th instant. What would become of it? But was no consideration to be given to members who live at such a distance as would render it impossible for them to go hence and return before the first of February, unless they were to consume the whole time in travelling? He would like well enough to go home and his hon. friend from Huron (Dr. Dunlop,) would doubtless like to go home, but the journey would occupy the recess besides being attended with more danger than perhaps hon. members in this part of the Province might suppose. A voyage across the Atlantic was not by half so dangerous as a journey at this season of the year to the western extremity of the Province. But what was the object of the adjournment? If the hon. member for Frontenac and others desired to go home and see their wives, let them go by all means; there could not be a more meritorious object for a journey - (cheers) - but this we could say that an adjournment of that House for a period of six weeks would be contrary to the interests of the country, contrary to the object for which they were assembled, and contrary to every principle of parliamentary practice in this country. It was all very well to talk of England, but was this House to be compared to the House of Commons, a House composed of the wealth of the land, of men to whom a journey of 10,000 miles would be but trifling inconvenience. Could any thing be more unjust than that members should be kept many weeks six hundred miles from their homes and without any pay too, though he (Col. Prince) cared not for the pay, and would be ready at any time, as he had once done already in Upper Canada to vote that the pay of members should be discontinued; but what he complained of, was, that certain members of that House should be detained idly in Montreal while others were able to go to their homes.³⁹

MR. GOWAN seconded, by MR. RIDDELL moved in amendment that from and after the 24th instant, the House stand adjourned until the 3rd day of January next.

Mr. Gowan said, he thought this the more suitable length of time for the adjournment; he did not think it right that the business of the country should be suspended and their time taken up in making long visits to their friends; but in regard to those days on which there were usually religious observances, they ought to pay a proper deference and respect to those observances, and adjourn on such days, but to suspend parliamentary business for the mere purposes of civility or recreation, he thought would be highly improper; and he hoped the hon. member for Frontenac would not press his motion, because he was satisfied that it would be attended with serious inconvenience to many members of that House. He would add one observation, and it was this: it had been intimated that the Ministry desired more time for the preparation of their measures; he (Mr. Gowan) had put the question to the Attorney Gen., and he was informed by that gentleman that he had no opinion to offer

upon the subject of adjournment. Mr. Gowan then moved the adoption of his amendment, having first ... altered it so that it would read from the 20th instant to the 7th of January.⁴⁰

(50)

Mr. Gowan moved, in amendment, seconded by Mr. Meyers, That all the words after "That" in the said motion be struck out and the following substituted, "from and after the 20th instant, this House stand adjourned until the seventh day of January next."

MR. BALDWIN rose to remind the hon. gentleman, that the insinuation as to the ministry being unprepared to go on with the business of the country had not come from his side of the House. It was a suggestion entirely from the Administration benches.⁴¹

MR. RIDDELL then rose and said, that inasmuch as he dissented from the change which the hon. mover had made by substituting the 20th and the 7th, he would be under the necessity of withdrawing his name as seconder of the motion. He would even prefer the longer period proposed by the gentleman from Frontenac, to the amendment as it now stood.⁴²

MR. CHRISTIE observed that if the object of the hon. mover was a regard for the observances of religion, a much smaller number of days would be quite sufficient. If the members of the Government would say that they are not prepared to go on with the public business, there would then be some reason for asking for an adjournment.⁴³

MR. ATTORNEY GENERAL ((JAMES)) SMITH said they were prepared to go on without an adjournment of a single day.⁴⁴

MR. CHRISTIE said, in that case he did not think they would be justified in adjourning for even one day beyond Christmas-day and New Year's-day. More than two weeks of the session were elapsed already, and if they should now adjourn for a month they would not get through with the business of the session until June, whereas it ought to be concluded by the beginning of February. He would vote against both the original motion and the amendment.⁴⁵

MR. JOHNSTON said in regard to the adjournment, he was not very solicitous one way or the other. He felt himself quite content with Montreal and would as soon be here as at home; but he hoped there would be no half-way measures adopted, either adjourn for six weeks or not at all. He cared not whether the Ministry were prepared or not, they would have to stand or fall by their acts. He had no doubt the majority would do justice in this instance, and give a reasonable time, and after that he hoped they would never be divided. (A laugh). The hon. member for Gaspé had said that they would probably be here until June. If every member introduced as many measures as that hon. gentleman, no doubt they would be kept here until June. He did not know what sort of a constituency

the hon. gentleman represented, but he knew this, that he (Mr. Johnston,) had the honour to represent one of the most loyal constituencies in Upper Canada, and he was very sure that his constituents never in all their lives had so many demands to make upon Parliament as the constituents of the hon. member made in one Session. (Cheers). They never asked Parliament to expend a shilling upon them, but the hon. member for Gaspé was continually asking.⁴⁶

MR. CAMERON expressed his disinclination, to accede to any proposition for an adjournment which should continue beyond one week. There were important matter((s)) which ought to be proceeded with, without loss of time.⁴⁷

(50)

The question having been put upon the said motion of amendment, it passed in the negative.

Mr. Cameron then moved, in amendment to the main motion, seconded by Mr. Gowan, That all the words after "That" be struck out and the following substituted, "when this House doth adjourn on the 24th instant, it stand adjourned until the third day of January, 1845."

MR. DICKSON declared himself in favour of the suggestion thrown out by the hon. member for Gaspé, that they should only adjourn from day to day or at least for a single day in the case of Christmas and New Year's day. The interests of the constituents would be best consulted by such a course.⁴⁸

MR. BOULTON was opposed to any adjournment but such as the exigencies of the case demanded. He preferred Mr. Christie's proposal, but if it could not be carried, he would support an adjournment to the 1st of February.⁴⁹

MR. SOLICITOR-GENERAL ((HENRY)) SHERWOOD was disposed to go on with the public business, but if the House insisted on an adjournment, he trusted it would be such an adjournment as would enable members to return to their homes if they desired to do so. And such a course was not without precedent, as it was the constant practice in the British Parliament. He should therefore vote for the motion of the hon. member for Frontenac.⁵⁰

MR. ROBLIN said he perfectly concurred in what had fallen from the hon. member from Gaspé that they should adjourn merely on each particular holiday; he would vote only for an adjournment on such days as were devoted to the performance of religious duties. It was true that the practice prevailed in England of adjourning for three or four weeks, but we were not in England, we were very differently situated, and though he was for following British example as far as practical in all important matters, yet he did not think in this case it would be at all advantageous

or proper. It must be recollected that all the Clerks and Messengers of the House would be kept without occupation, while the expenses of the Legislature were still going on. He thought they had no right to make such a bad use of their time which ought to be devoted to the service of the country. The eyes of the people of Canada were upon them - and they would not be satisfied. If gentlemen were so desirous of having holidays, let them ask leave of absence from the House - and take the responsibility on their own shoulders.⁵¹

DR. DUNLOP had never heard of a more preposterous proposal than to adjourn the House at this moment for six weeks. They had been only together for a fortnight, and already it was proposed to break them up. If they were to go home at the end of the first three weeks, they would be just as well entitled to go home at the end of the next three weeks, and instead of having a Session of two or three months they would have one of nine or ten months. He thought the plan proposed by the hon. member for Gaspé far the most sensible and manly. He would however, make the best of a bad bargain, and vote for the amendment.⁵²

MR. H. SMITH said he hoped no one would attribute to him a desire to waste the time and the money of the country. He was as well prepared to remain and go on with the public business as any hon. member of that House, but he believed a majority were in favour of a recess, and he would abide by the motion which he had offered.⁵³

MR. CHRISTIE said that in case Mr. Cameron's amendment should prevail over Mr. Smith's motion for an adjournment to the 1st of February, he intended to move an amendment to it, in accordance with the views he had previously thrown out. But before the vote was taken, he should like to ask the hon. Attorney-General whether, - if all the motions were thrown out, on the understanding that the House was only to adjourn from day to day over the religious holidays - the Government would in that case move an adjournment on a future day, or whether they would consider the matter as settled?⁵⁴

MR. ATTORNEY-GENERAL ((JAMES)) SMITH said that Government would not move for an adjournment.⁵⁵

MR. HENRY SMITH said he thought he might as well withdraw his motion.⁵⁶

Cries of no, no, from the Treasury Benches.⁵⁷

The members of the Administration here left the House⁵⁸.

As they were seen near the doors, MR. PRICE rose while the vote was being taken, and moved that they be brought into the House and compelled to vote.⁵⁹

The honourable gentlemen were brought into the House⁶⁰.

The Speaker ((SIR ALLAN MACNAB)) informed them that by Rule of the House they must vote.⁶¹

(50)

The House divided on the motion of amendment, and the names being called for, they were taken down, as followeth:

YEAS.

Armstrong, Boulton, Boutillier, Brooks, Cameron, Cauchon, Colville, Currings, Daly, Dickson, Drummond, Duggan, Ermatinger, Foster, Gowan, Greive, Hale, Johnston, Lacoste, Lantier, Lawrason, Macdonald of CORNWALL, Macdonell of DUNDAS, M'Connell, Méthot, Meyers, Moffatt, Papineau, Petrie, Prince, Riddell, Robinson, Rousseau, Sherwood of BROCKVILLE, Solicitor General Sherwood, Attorney General Smith, Stewart of PRESCOTT, Taschereau, and Webster--(39.)

NAYS.

Aylwin, Baldwin, Berthelot, Bertrand, Chabot, Chalmers, Chauveau, Christie, DeEleury, DeWitt, Dunlop, Guillet, Hall, Jessup, Jobin, Lafontaine, LeMoine, Leslie, Macdonald of GLENGARRY, Macdonald of KINGSTON, Macdonell of STORMONT, Morin, Nelson, Powell, Price, Roblin, Scott, Seymour, Small, Smith of FRONTENAC, Smith of WENTWORTH, Taché, Thompson, Watts, and Williams--(35.)

So it was carried in the affirmative.

Mr. Christie then moved, seconded by Mr. Thompson, the previous question, viz:--

Shall the question be now put on the main motion, as amended.

MR. CHRISTIE ... moved the previous question, with the view of throwing out Mr. Cameron's motion, on the understanding that if it were so thrown out there should only be three holidays.⁶²

MR. SHERWOOD spoke in favour of Mr. Cameron's motion.⁶³

(50)

Upon which the House divided.

Tellers, { *For the Yeas, Hon. Mr. Baldwin*.....34
 { *For the Nays, Mr. Cameron*.....35

So it passed in the negative.

Megantic con-
tested Election.

The Honourable Mr. Aylwin moved to resolve, seconded by Mr. Chabot, that the grounds and reasons of complaint set forth in the Petition of Richard Charles Porter and others, who have complained to this House of the undue election and return of the Honourable Dominick Daly, as a Member to serve for the county of Megantic, in this present Parliament, if such grounds and reasons be true, are sufficient to make void the election of the said Honourable Dominick Daly.

On motion of the Honourable Mr. Solicitor General Sherwood, seconded by Mr. Boulton,

Ordered, That the further consideration of the said motion be postponed until Tuesday next.

Montreal con-
tested Election.

The Honourable Mr. Aylwin moved to resolve, seconded by Mr. Chabot, that the grounds and reasons of complaint set forth in the Petition of Peter Dunn and others, who have complained to this House of the undue election and return of the Honourable George Moffatt, and the Honourable Charles Clément Sabrevois DeBleury, as Members to serve for the city of Montreal, in this present Parliament, if such grounds and reasons be true, are sufficient to make void the election of the said Honourable George Moffatt and Charles Clément Sabrevois DeBleury.

On motion of Mr. Duggan, seconded by Mr. Boulton,

Ordered, That the further consideration of the said motion be postponed until Wednesday next.

Municipal
authorities of
Gaspé.

The Order of the Day for the second reading of the Bill to exempt the district of Gaspé from the operation of an Ordinance of the Governor and Special Council, of the late Province of Lower Canada, intituled, "An Ordinance to provide for the better Internal Government of this Province by the establishment of Local or Municipal Authorities therein," being read.

(51)

Ordered, That the said Bill be read a second time on Friday the tenth day of January next.

Sherbrooke
Cotton Factory.

The Order of the Day for the second reading of the Bill to incorporate the Sherbrooke Cotton Factory being read,

The said Bill was accordingly read, and referred to the Standing Committee on Private Bills.

Gaspé Fishing
and Mining
Company.

The Order of the Day for the second reading of the Bill to approve and confirm an Act of the Imperial Parliament of Great Britain to incorporate the Gaspé Fishery and Coal Mining Company, being read,

The said Bill was accordingly read, and referred to the Standing Committee on Private Bills.

Interpolation
in Journals.

The Order of the Day for the House in Committee on the Report of the Special Committee appointed to investigate and report by whom and in what way the following words, to wit, Tinkers, Barkers, Shavers, Southcotites, Shakers, and Gipsies, were introduced into the Journals of this House in the amendments made by the Honourable the Legislative Council in the last session of Parliament, to the Bill, intituled, "An Act to enable Religious Societies of all Denominations of christians in that part of the Province called Upper Canada, to hold Lands for certain purposes therein mentioned," being read,

The House accordingly resolved itself into the said Committee.

Mr. Duggan took the chair of the Committee, and, after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Duggan reported that the Committee had come to a resolution, which resolution was again read at the Clerk's table and agreed to by the House, and is as followeth:--

Resolved, That inasmuch as it appears that G. M. Muir, Clerk of the English Journals of this House, as established solely by his own voluntary confession, has inserted certain words in the rough copy of the Journals of the last session of the last Parliament without any authority, yet without any culpable intent, the said G. M. Muir has subjected himself to the just censure of this House and they therefore recommend that Mr. Speaker do censure the said G. M. Muir, at such time and in such manner as he shall see fit.

On motion of the Honourable Mr. Attorney General Smith, seconded by the Honourable Mr. Papineau.

Duties on Stills. Resolved, That this House do now resolve itself into a Committee of the whole House on the laws now in force in this Province, relating to duties on Stills.

The House accordingly resolved itself into the said Committee.

Mr. Roblin took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Roblin reported that the Committee had come to a resolution, which resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That it is expedient to provide for the issuing of Licenses for a less period than a year, on payment of a due proportion of the duties and charges now imposed, by authority of any law or laws in force in any part of this Province.

Ordered, That the Honourable Mr. Attorney General Smith have leave to bring in a Bill to amend the laws, now in force, imposing a duty upon Distilleries, in any part of the Province of Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Tuesday next.

Then on motion of the Honourable Mr. Daly, seconded by the Honourable Mr. Papineau,

The House adjourned until Monday next.

APPENDIX, 13 DECEMBER 1844.

((NOTICE OF PROPOSED MOTIONS.))

DR. BOUTHILLIER gave notice of his intention to ask of Her Majesty's Ministers whether it was their intention to introduce a Bill to do away with the present system of seignorial Tenure.⁶⁴

MR. J. S. MACDONALD (of Glengarry) gave notice of his intention to enquire of the Government whether they intended to introduce a Bill extending the franchise to persons holding leases of Indian Lands in Upper Canada.⁶⁵

COL. PRINCE gave notice that he should take an early opportunity to enquire of the members of Government, whether they intended to plank the road from London to Amherstburgh, and into the Western parts of the country. He said that that road was one of the most valuable in the Province, because it was the direct line to Buffalo and Michigan. He gave the Board of Works great credit for their management in the formation of this road, but he might tell them that unless it were planked, they might as well have put all the money it had cost into the Detroit River.⁶⁶

COL. PRINCE will, on this day week, move a humble address to the Queen, thanking her for having granted pardon to the transported rebels, and praying that she would give them an opportunity of reaching England, whence they might be restored to their families. In making this motion, he would only say that the deepest gratitude of the country was due to Her Majesty for that pardon which she had been so graciously pleased to grant. (Hear.) And he hoped that she would add another jewel to her Crown, by acceding to the prayer of his address.⁶⁷

MR. BOULTON gave notice that he would introduce a Bill to ((establish an)) Industrial model Farm in the neighbourhood of ((Toronto)).⁶⁸

MR. CHRISTIE gave notice that on Monday next he would move an Address to the Governor General, praying that an abstract of the return of the Revenue of the Province should be published quarterly - also a statement showing the receipts at the several ports of Entry.⁶⁹

((QUESTIONS AND ANSWERS RE: THOMAS PARKE'S POSITION IN PARLIAMENT; AND EGERTON RYERSON'S SALARY AND POSITION.))⁷⁰

MR. CAMERON, in pursuance of notice previously given, rose to put a question to the Government in that house, relating to a subject which, he said, had excited and was still exciting a good deal of interest throughout the country. It related to the situation of a member of the Government who was in parliament during the whole of the late administration, and who did not resign his office at the time when his colleagues in the Ministry resigned theirs; and the late elections.⁷¹

The Speaker ((SIR ALLAN MACNAB)), interposing, said, the hon. member in putting a question, must state his question distinctly and without debate.⁷²

MR. CAMERON then stated his question, as follows viz.: - Whether the Government have any reason to expect that Mr. Parke will, in the course of the present session, obtain a seat in this house; or whether any understanding exists between him and the government that he is to hold the office which he now fills without having a seat in this house; and whether it is consistent with responsible government that he should do so?⁷³

MR. ATTORNEY-GENERAL ((JAMES)) SMITH replied that he was not aware whether Mr. Parke would obtain a seat in that house or not; it was a matter of indifference, however, because arrangements were now in progress which would make it wholly unnecessary that he should have a seat in that house, and those arrangements would be communicated to the house as soon as they were completed - (hear, hear.)⁷⁴

((MR. CAMERON)) ... asked in pursuance to notice if Mr. Egerton Ryerson be superintendant of Education? What is his salary? Who performs his duty at present? And if any extra allowance were made during his tour to Europe?⁷⁵

The Attorney General ((MR. J. SMITH)) replied, that Mr. Ryerson is not superintendant of Education, the Provincial Secretary holding that situation according to law. He is, however, assistant superintendant. His salary is £375 a year.⁷⁶ He was now on leave of absence, having appointed the Rev M. McNab as his deputy - and that during his absence he received no extra remuneration whatever.⁷⁷

FOOTNOTES - 13 DECEMBER 1844.

1. This debate was reported in: the MONTREAL GAZETTE, 14 December 1844, and the MONTREAL TRANSCRIPT, 14 December 1844.
2. MONTREAL TRANSCRIPT, 14 December 1844.
3. MONTREAL GAZETTE, 14 December 1844.
4. IBID.
5. This debate was reported by: the PILOT, 16 December 1844, and the MONTREAL GAZETTE, 14 December 1844, in identical accounts; the BRITISH COLONIST, 20 December 1844, and the BRITISH WHIG, 17 December 1844, in identical accounts.
6. BRITISH COLONIST, 20 December 1844.
7. IBID.
8. MONTREAL GAZETTE, 14 December 1844.
9. IBID.
10. BRITISH COLONIST, 20 December 1844.
11. This debate was reported by: the MONTREAL GAZETTE, 14 December 1844, and the PILOT, 16 December 1844, in identical accounts; and the BRITISH COLONIST, 20 December 1844, and the BRITISH WHIG, 17 December 1844, in identical accounts.
12. MONTREAL GAZETTE, 14 December 1844.
13. BRITISH COLONIST, 20 December 1844.
14. This debate was reported by: the PILOT, 16 December 1844, the BROCKVILLE RECORDER, 26 December 1844, and the MONTREAL GAZETTE, 14 December 1844, in accounts identical except that the PILOT and the BROCKVILLE RECORDER differ in order from the MONTREAL GAZETTE; the ST. CATHARINES JOURNAL, 26 December 1844; and the BRITISH COLONIST, 20 December 1844, and the BRITISH WHIG, 17 December 1844, in identical accounts.
15. BRITISH COLONIST, 20 December 1844. The JOURNALS named Mr. Robinson rather than Mr. Duggan as the seconder of this motion.
16. ST. CATHARINES JOURNAL, 26 December 1844.
17. MONTREAL GAZETTE, 14 December 1844.
18. ST. CATHARINES JOURNAL, 26 December 1844.
19. MONTREAL GAZETTE, 14 December 1844.
20. BRITISH COLONIST, 20 December 1844.
21. MONTREAL GAZETTE, 14 December 1844.
22. IBID.
23. IBID.
24. ST. CATHARINES JOURNAL, 24 December 1844.
25. MONTREAL GAZETTE, 14 December 1844.
26. IBID.
27. This debate was reported in identical accounts by: the BRITISH COLONIST, 24 December 1844, and the MONTREAL GAZETTE, 17 December 1844, copied by the BRITISH WHIG, 20 December 1844.
28. MONTREAL GAZETTE, 17 December 1844.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. IBID.

34. This debate was reported in: the GLOBE, 24 December 1844; the ST. CATHARINES JOURNAL, 26 December 1844; and the MONTREAL GAZETTE, 17 December 1844, copied by the BRITISH WHIG, 20 December 1844. The BRITISH COLONIST, 24 December 1844, noted the debate and so did L'AUREOLE, 17 December 1844. There were commentaries in the GLOBE, 24 December 1844; and the PILOT, 16 December 1844.
35. MONTREAL GAZETTE, 17 December 1844.
36. IBID. The GLOBE, 24 December 1844, reported that "Mr. Smith and Mr. Sherwood, meantime, were playing the most admirable pantomime. (What a delightful position the Reporters' gallery is in, - exactly facing ministers!) The scorn and indignation which they exhibited at the bare mention of their wanting any delay: Time, indeed! Not an hour - not a minute - not a moment - not a fraction of a moment. Hum! Hah! It was beautiful! The indignant frown which illuminated the honest face of Mr. Henry Sherwood, would have been a fortune to Hogarth."
37. MONTREAL GAZETTE, 17 December 1844. The ellipsis represents a completely illegible passage of two lines in the GAZETTE.
38. GLOBE, 24 December 1844.
39. MONTREAL GAZETTE, 17 December 1844.
40. IBID.
41. GLOBE, 24 December 1844.
42. MONTREAL GAZETTE, 17 December 1844.
43. GLOBE, 24 December 1844.
44. IBID.
45. IBID.
46. MONTREAL GAZETTE, 17 December 1844.
47. IBID.
48. GLOBE, 24 December 1844.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. MONTREAL GAZETTE, 17 December 1844.
54. GLOBE, 24 December 1844.
55. IBID.
56. IBID.
57. IBID.
58. IBID.
59. IBID.
60. IBID.
61. IBID.
62. IBID.
63. IBID.
64. MONTREAL TRANSCRIPT, 14 December 1844. This notice, and the following notice, by J. S. Macdonald, were both reported in the GLOBE, 24 December 1844, as well.
65. MONTREAL TRANSCRIPT, 14 December 1844.
66. BRITISH COLONIST, 24 December 1844, in an account identical to that

in the BRITISH WHIG, 17 December 1844. This notice was also reported by: GLOBE, 24 December 1844; CHATHAM GLEANER, 31 December 1844; and the MONTREAL TRANSCRIPT, 14 December 1844.

67. ST. CATHARINES JOURNAL, 26 December 1844. This notice was also reported by: MONTREAL TRANSCRIPT, 14 December 1844; GLOBE, 24 December 1844; and PILOT, 16 December 1844, which also commented on it.

68. GLOBE, 24 December 1844.

69. IBID.

70. These questions and answers were reported by: ST. CATHARINES JOURNAL, 26 December 1844; MONTREAL TRANSCRIPT, 14 December 1844; and in identical accounts in the MONTREAL GAZETTE, 17 December 1844, copied by the BRITISH WHIG, 20 December 1844, and the BRITISH COLONIST, 24 December 1844.

71. BRITISH COLONIST, 24 December 1844.

72. IBID.

73. IBID.

74. ST. CATHARINES JOURNAL, 26 December 1844.

75. IBID.

76. IBID. The MONTREAL TRANSCRIPT, 14 December 1844, reported that his salary was £350 per annum.

77. MONTREAL TRANSCRIPT, 14 December 1844.

MONDAY, 16 DECEMBER 1844.

(51)

Receipts and
Disbursements
of Supervisor
of Cullers.

MR. SPEAKER laid before the House, Statements of the Receipts and Disbursements of the Supervisor of Cullers during the season of 1844, together with an abstract of all Lumber culled under his Superintendence, and the section of the Province from whence the same was procured, prepared in compliance with the 16th section of the Act, 7 Victoria, chapter 25.

(For the said Statement, see Appendix K.)

Also,

Relief of
Insane, &c.,
at Quebec.

Report of the Commissioners for the relief of Insane persons, Invalids, and Foundlings, for the district of Quebec, to 31st October, 1844.

(For the said Report, see Appendix L.)

Petitions
brought up.

The following Petitions were severally brought up and laid on the table:--

By Mr. Laurin, the Petition of Joseph Laurin, Esquire and others, inhabitants of the St. John's and St. Roch's Suburbs, of the city of Quebec.

By Mr. Macdonald, of Cornwall, the Petition of the Reverend Alexander Williams and others, Members of the United Church of England and Ireland, in the town of Cornwall and its vicinity.

By Mr. Chabot, the Petition of Edward Glackmeyer, Esquire, acting Mayor of the Corporation of the city of Quebec.

By Mr. Foster, the Petition of Henry Lawrence and others, inhabitants of the townships of Brompton, Ely, and Stukely.

By Mr. Lawrason, the Petition of Richard W. Branan and others, inhabitants of the Northwestern part of the township of Ekfrid, and the Southern part of the township of Adelaide, in the London district; and the Petition of Charles Monserrat and others, members of the United Church of England and Ireland, in the town and neighbourhood of London, in the diocese of Toronto.

By Mr. Berthelot, the Petition of D. L. Marquis, M. D., and others, inhabitants of Ste. Anne de la Pocatière and of the township of Ixworth.

By Mr. Roblin, the Petition of the Honourable Simeon Washburn of the town of Pictou.

(52)

By Mr. Thompson, the Petition of John Donaldson and others, inhabitants of the county of Haldimand.

By the Honourable Mr. Solicitor General Sherwood, the Petition of the Church Society of the diocese of Toronto; and the Petition of James Foster and others, manufacturers of boots and shoes, in the city of Toronto.

By the Honourable Mr. Aylwin, the Petition of the Council of the Quebec Board of Trade (relating to the existing Tariff); the Petition of George B. Faribault, Esquire, President of the Literary and Historical Society of Quebec; and the Petition of the Right Reverend the Lord Bishop of Montreal, and others, Members of the Quebec Charitable Firewood Society.

By Mr. Greive, the Petition of Gaspard Dauth, of the parish of Ste. Anne Lapérade, in the county of Champlain.

By Mr. Dickson, the Petition of Patrick Trim and others, masters and journeymen cordwainers, of the town of Niagara.

By Mr. Macdonell of Dundas, the Petition of Samuel Young and others, inhabitants of the townships of Williamsburgh and Winchester.

Petitions read.

Pursuant to the Order of the Day, the following Petitions were read:--

Of John M'Conville, teacher of the Berthier Academy, praying for an aid in support of the said Academy.

Of the Reverend Urbain Orfroy and others, inhabitants and freeholders of St. Charles de Beaumont, and other parishes, praying that the Registry Office of the county of Bellechasse may be removed from St. Gervais to St. Michel.

Of W. G. Blanchard and others, inhabitants of the county of Two Mountains, praying that the Court of the district of Two Mountains may be removed from the village of St. Benoit to St. Andrews, the place where it was formerly established.

Of Daniel de Hertel, Warden, and others, inhabitants of the county of Two Mountains, praying for a repeal of the Act passed 1841, amending the Ordinance providing for the improvement of the winter roads.

Of Captain Alonzo Wood and others, inhabitants of the Eastern townships in Canada East, praying for an Act to incorporate a Joint Stock Company, and for an aid, by way of loan, for the constructing of a railroad leading to the city of Montreal.

Of the Reverend Andrew Balfour, master of a grammar school in the county of Shefford, praying for a continuance of the usual aid in support of the said school.

Of Hervy Laurence and others, inhabitants of the county of Shefford, praying for an aid in support of a high school in the said county.

Of the City of Toronto and Lake Huron Railroad Company, praying for certain amendments to the Act incorporating the said Company.

Of Loop Odell and Antoine Merrizzi of Napierville, in the county of L'Acadie, praying for a grant to satisfy the unpaid claim of the contractor for the Court House and Gaol of the said county.

Of Loop Odell and others, of the county of Huntingdon, praying to be indemnified for losses sustained during the late rebellion.

Of Jean Baptiste Richer, senior, and others, inhabitants of the parish of St. Benoit, in the district of Montreal, praying an aid to enable them to re-construct their church and other buildings, destroyed by the Volunteers in 1837.

Of the Reverend Louis M. Brassard, Curé of the parish of St. Antoine de Longueuil, in the county of Chambly, praying an Act of incorporation in favour of certain religious ladies conducting an institution for the education of young females in that parish.

Of the Honourable Baron Grant de Longueuil and others, inhabitants of the counties of St. Hyacinthe, Richelieu, and Chambly, praying that such encouragement as the House may deem expedient be given to the making of the Railroad from Boston to Montreal.

Of William Evans, of Côte St. Paul, praying for a grant to assist him in the publication of a work on Agriculture.

Of the District Council of the district of Sherbrooke, praying that the municipal and school laws may be amended.

Of the Reverend Jean C. Léonard, of the parish of St. Antoine de Longueuil, in the county of Chambly, praying that a certain ecclesiastical community, of which he is a member, may be incorporated with certain corporate powers.

Of Mrs. Mary Anne Snell, widow of the late James Williams, formerly Post Master of Montreal, praying for pecuniary aid in consideration of the services and death of her late husband, resulting from the damp, unwholesome premises in which he was obliged to keep his office.

Of the Right Reverend Michael Power, Roman Catholic Bishop of Toronto;

and of the Right Reverend Patrick Phelan, Bishop of Carrhae, &c., praying that the Roman Catholic Bishops of Toronto and Kingston may, with their respective coadjutors and Vicars General, be severally endowed with corporate powers, to enable them to acquire and hold real estate, for religious purposes.

Of A. Chapman and others, landholders, residing on the shores of the rivers Richelieu, South River, and other places, in the district of Montreal, praying that the channels of the rapids of the said rivers may be deepened, and the eel weirs and other obstructions removed, so as to prevent the overflowing of the banks at certain places.

Of William Molson and others, inhabitants and proprietors of real estate in the village of Hochelaga, and in the parish of Montreal, praying that the Northern boundary of the city of Montreal, in the direction of Quebec, may be extended at least one mile beyond its present limits.

Of John M'Bean, of Lancaster, in the Eastern district, praying remuneration for a lock constructed by him at French's Reef, at Coteau du Lac, in the River St. Lawrence.

Of E. L. Hayden, of William Henry, praying the Legislature will cause to be stereotyped, at the public expense, a concise grammar of the English language compiled by him; and that he may be remunerated for his labour in preparing the same, and for his copyright thereof.

Of the Sisters of Charity, of the General Hospital of Montreal, praying aid to discharge their present debts, and to provide for the support of the institution for the future.

Of Eden Colville, of Beauharnois, Esquire, praying for the passing of an Act to empower the North American Colonial Association, of Ireland, to employ and invest a portion of their capital in the loan of moneys on real securities within this Province.

(53)

Of Hollis Smith and others, inhabitants of the counties of Sherbrooke and Stanstead, and other places, praying that a charter and Legislative encouragement may be granted to a proposed company to establish a railroad communication between Montreal and either of the cities of Boston or Portland.

Of the Municipal Council of the district of Sherbrooke, praying that an Act petitioned for to incorporate a Joint Stock Company to construct a railway from the St. Lawrence to the boundary line, may be passed.

Of Mrs. Jane Pigott, widow of the late John Pigott, of the city of Quebec, praying that the grant voted by the Parliament of Lower Canada to

her late husband, for his invention of an improved paddle wheel for propelling steamboats, may be renewed in her favour.

Of the Minister, Elder, and Trustees of St. Andrew's Church, in the city of Quebec, praying for an aid in support of a School, in connection with the said Church.

Of Mrs. Marie F. Bilodeau, widow of the late Jacques Langlois, of the city of Quebec, praying that a pension be granted her in consideration of the services of her late husband, during twenty years, as a Messenger of the House of Assembly of Lower Canada.

Of Pierre J. O. Chauveau, Esquire, of the city of Quebec, President of the "Société Canadienne d'études Scientifiques et Littéraires," praying that an aid be granted to the said Society.

Of Pierre Lacroix and Joseph Bolduc, of the city of Quebec, heretofore Messengers of the Honourable the Legislative Council of Lower Canada, praying to be allowed an Annual Pension in consideration of their past services.

Of Samuel Price and others, inhabitants of the Second Riding of York, praying to be authorized to build a Toll Bridge.

Of N. B. Doucet, of the city of Montreal, praying for aid and encouragement in the publication of an Elementary work, on the Laws of Canada.

Of Patrick Buchanan and others, inhabitants of the township of Dundee, in the county of Beauharnois, praying to be exempted from the usual rates of tariff on Grain, Wool, and Lumber, manufactured in American mills, imported for domestic uses only.

Of James W. Brown and others, inhabitants of the township of Kingston, praying for a certain amendment to the Act relating to the Kingston and Napanee macadamized road.

Of Joseph Gee and others, inhabitants of the county of Haldimand, praying that the said county may be set apart as a separate district.

Of John DeCow, Senior, and others, inhabitants of the county of Haldimand, praying that the said county may be set apart as a separate district.

Of Richard Brown and others, inhabitants of Cayuga, praying for an extension of the charter granted to them in the year 1835, to enable them to carry on a Glass Factory.

Of Joseph Rogers and others, inhabitants of the county of Two

Mountains, praying that the Ordinances 3 and 4 Victoria, chapter 25, and 4 Victoria, chapter 33, concerning winter roads, be re-established in full force, and subsequent amendments repealed.

Of Zozime Maçon and others, inhabitants of the county of Two Mountains, praying that a Turnpike Road may be made from St. Eustache to Montreal, and also a Bridge over the river Jesus.

Of Donald Cameron, of the township of Thorah, in the Home district, praying for the appointment of a Commission to investigate alleged injustice suffered by him at the hands of the Executive Government of Canada West.

Of the Members of the Toronto Board of Trade, praying for an Act of Incorporation.

Of Leonard Wilcox, of the city of Toronto, complaining of certain grievances and loss of property, illegally seized by the Collector of Customs, in the year 1815, and praying relief.

Of the Reverend Mark Willoughby, Superintendent of the Newfoundland and British North American School Society, praying for an aid in support of the said Society.

Of Jean Baptiste Bellefeuille and two others, ferrymen, residing on the South shore of the St. Lawrence, opposite the town of Three Rivers, praying that the exclusive privilege of having a Steam Ferry at Three Rivers asked for by Edouard Normand, may not be granted; but that the Petitioners may be authorized to establish such steam ferry.

Of P. Vezina, Esquire, in behalf of the inhabitants of the town of Three Rivers, praying that the Lunatic Asylum, referred to in the Speech of His Excellency the Governor General, at the opening of the present Session of Parliament, may be erected in the said town.

Of Alexander Smith and others, cordwainers of the town of Kingston, praying that a certain duty may be imposed upon boots and shoes imported into this Province from the United States.

Of the Council of the Quebec Board of Trade, praying for certain amendments to the Act regulating the measurement and inspection of timber.

Of William Bethell of Quebec, praying that a certain sum be granted to the Commissioners appointed for the construction of a bridge over the river Jacques Cartier, to enable them to pay the balance still due to Petitioner for the erection of the same.

Of N. H. Baird, Civil Engineer, praying remuneration for attending to give evidence before certain Committees of the Legislature of the late

Province of Upper Canada.

Of Archibald M'Bean and others, proprietors of Saw Mills and manufacturers of Lumber in Canada, praying that a certain duty may be imposed upon Lumber imported from the United States.

Of William Laughton, proprietor of the Royal Mail Steam Packet Beaver, on Lake Simcoe, praying that the navigation of the channel through the narrows of Lake Simcoe, may be improved.

Of James Hervey Price, of the city of Toronto, Esquire, praying that the confiscated Estate of John Montgomery may be vested in certain parties in trust, to pay the amount of a certain judgment and mortgage of debt against the said Estate.

Three loud knocks were made at the doors of the House, and the Sergeant at Arms having gone out and returned, communicated to the Speaker that a Messenger from the Legislative Council prayed to be admitted.¹

Mr. Speaker ((SIR ALLAN MACNAB)) - admit the Messenger.²

The mace was removed from the table, the doors were flung open and Mr. Taylor, Master in Chancery, preceded by the Black Rod, entered the House, and walking up to the Bar made three profound salaams. Mr. Taylor then went up to the Clerk's table and said: Mr. Speaker, I am charged with a message from the Legislative Council to inform this hon. House that they have passed an Act for continuing the duty on agricultural products imported from the United States.³

(53)

A message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

(54)

Agricultural
produce.

MR. SPEAKER,

The Legislative Council have passed the Bill, intituled, "An Act to continue for a limited time the Act for imposing duties on Agricultural Produce, and Live Stock, imported into this Province," without any amendment.

Three more salaams followed⁴.

(54)

And then he withdrew.

The mace was replaced on the table, and the House resumed business.⁵

(54)

Petitions referred.Charles Berczy
and others.

Sherwood and Mr. Duggan, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Eden Colville,
Esquire.

Ordered, That the Petition of Eden Colville, of Beauharnois, Esquire, be referred to the Standing Committee on Private Bills.

Resolved, That the Petition of William Gamble and others, inhabitants of the Home district, be referred to a Select Committee, composed of Mr. Boulton, the Honourable Mr. Small, the Honourable Mr. Solicitor General Sherwood, Mr. Price, and Mr. Duggan, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers and records.

Daniel Hoover
and others, of
Haldimand.

Resolved, That the Petition of Daniel Hoover and others, inhabitants of the county of Haldimand; the Petition of James A. Applebee and others, inhabitants of the county of Haldimand; and the Petition of Robert F. Cooke and others, inhabitants of the county of Haldimand, be referred to a Select Committee of five Members, composed of Mr. Thompson, Mr. Cummings, Mr. Dickson, Mr. Prince and Mr. Cameron, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers and records.

Toronto and
Lake Huron
Railroad Company.

Resolved, That the Petition of the city of Toronto and Lake Huron Railroad Company, be referred to a Select Committee composed of the Honourable Mr. Solicitor General Sherwood, the Honourable Mr. Moffatt, Mr. Hale, the Honourable Mr. Small, and Mr. Boulton, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers and records.

Toronto Board
of Trade.

Resolved, That the Petition of the Members of the Toronto Board of Trade, be referred to a Select Committee, composed of the Honourable Mr. Solicitor General Sherwood, Mr. Boulton, the Honourable Mr. Moffatt, Mr. Duggan and Mr. Macdonald of Kingston, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers and records.

Quebec Board
of Trade.

Ordered, That the Petition of the Council of the Quebec Board of Trade, be referred to the Select Committee to which was referred the Petition of John P. Waterson and others, licensed deal cullers, of the city of Quebec, and other references.

John Teed.

Resolved, That the Petition of John Teed, of the city of Quebec, be referred to a Select Committee, composed of the Honourable Mr. Aylwin, Mr. Chabot, Mr. Christie, Mr. Chauveau and Mr. Cauchon, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers and records.

Fire Assurance
Company of
Montreal.

Resolved, That the Petition of the President and Directors of the Mutual Fire Insurance Company of the county of Montreal, be referred to a Select Committee, composed of Mr. Jobin, Mr. Taché, Mr. Chabot, Mr. Berthelot and Mr. Drummond, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers and records.

Samuel Price,
and others.

Resolved, That the Petition of Samuel Price and others, inhabitants of the Second Riding of York, be referred to a Select Committee, composed of Mr. Duggan, Mr. Chalmers, Mr. Dickson, Mr. Boulton and Mr. Webster, to examine the contents thereof, and report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers and records.

Hollis Smith
and others.

Resolved, That so much of the Petition of Hollis Smith and others, inhabitants of the counties of Sherbrooke and Stanstead and other places, as prays for a charter being granted to a Company to establish a railroad from the Province line to the city of Montreal, be referred to a Special Committee to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Ordered, That Mr. Brooks, Mr. Boutillier, Mr. Hale, Mr. Drummond, and Mr. Chauveau, do compose the said Committee.

Petition of
John Yule,
Esquire of
Chambly.

Mr. Hale, from the Special Committee to which was referred the Petition of John Yule, junior, Esquire, of the parish of Chambly, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

The Petitioner, Mr. John Yule, prays for authority to construct a Bridge over the River Richelieu, and to collect Tolls thereon.

Your Committee are of opinion that the proposed Bridge will be a work of great public utility, and as they have reason to believe that the requirements of the Law, and the Rules of your Honourable House, have been fully complied with, they therefore respectfully recommend that the prayer of the Petitioner be granted.

Richelieu Toll Bridge.

Ordered, That Mr. Hale have leave to bring in a Bill to authorize John Yule, junior, to build a toll bridge over the River Richelieu, in the parish of St. Joseph de Chambly, to fix the rates of tolls for passing thereon, and to provide regulations for the same.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Ordered, That three hundred copies in English, and two hundred in French, of the Statement of the Receipts and Disbursements of the Supervisor of Cullers during the season of 1844, together with the Abstract of all Lumber culled under his Superintendence, be printed for the use of the Members of this House.

On motion of Mr. Boulton, seconded by the Honourable Mr. Solicitor General Sherwood,

Petition of R. Harrison and others.

Resolved, That the Petition of Robert Harrison and others, electors of the Third Riding of York, complaining of the undue election and return of the Honourable James Edward Small, be taken

(55)

into consideration on Friday, the twentieth instant, at four o'clock, P. M., in lieu of Wednesday, the eighteenth instant, as before appointed by this House.

On motion of the Honourable Mr. Small, seconded by Mr. De Witt,

Rouge Hills.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, with as little delay as possible, a Return of any Surveys that may have been made by authority of the Board of Works, of a route for a road over the Rouge Hills, and of a site for a bridge over the river Rouge in the township of Pickering, on the main road from Toronto to Kingston, with the costs of such Surveys, and the estimated expense for the construction of such a road and bridge over the same, as will make them passable without endangering the lives of Her Majesty's subjects.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the

Executive Council of this Province.

On motion of Mr. Johnston, seconded by Mr. Dunlop,

Union Bridge,
Ottawa.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to direct the proper officer to lay before this House a Statement of all Contracts entered into for the erection of the Union Bridge across the river Ottawa at Bytown, and the amount of each; shewing also, the salaries and amount received by each engineer or superintendent employed on the said work, and at what date the respective contracts for the masonry, wood, wire, and iron work, were fulfilled; also, a detailed account of the whole of

Slides on Ottawa,
&c.

the expenses of the slides on the Ottawa and its tributary streams, with the names and salaries of the clerks employed, and the amount of travelling expenses incurred.

Ordered, *That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.*

Adjournment
during Holydays.

Mr. Gowan moved, seconded by Mr. Macdonell of Dundas, that a vacation shall not, this year, exceed seven days, to wit, the 23d, 24th, 26th, 27th, 30th, and 31st of December, and the 2d and 3d days of January, and that upon the aforesaid seven days this House shall not meet.⁶

MR. GOWAN seeing that it was in some measure conceded on all sides that there would be some recess, moved that it should not exceed seventeen days. (Hear.) The only question then, was whether they should meet on the 23rd and 24th, the two previous days being Saturday and Sunday. Those who would wish to visit their homes would have seventeen days to do so, only losing seven working days.⁷ The Hon. gentleman stated his conviction that upon those days no business would be done in the House.⁸

MR. CHRISTIE objected to the wording of the motion; it spoke of the "usual Parliamentary adjournment"; for his part, he knew of no such thing.⁹ The hon. gentleman had moved for seven days adjournment nominally, while in fact it was seventeen days. He was opposed to any adjournment otherwise than from day to day, on the occurrence of religious holidays. He looked upon it as putting out of the way the public business of the country for the sake of the pleasure of the few.¹⁰ If the hon. gentlemen could not do their duty, they should send some person who would do it in their stead.¹¹

MR. JOHNSTON thought the real reason of the opposition of the Hon. Member was because the adjournment did not allow him to get to Gaspé; but

he thought he might make himself very comfortable, and very much at home in Montreal, like his honourable and gallant friend, Colonel Prince, who really had been so engaged since he came down, that he had not half an hour to himself. For his own part he did not care whether the House adjourned or not; but he believed the majority wished it - some to see their wives, and some to attend to business. He thought ten or twelve days would give those who were near enough an opportunity to visit home¹².

MR. LAWRASON agreed with the hon. member for Gaspé. They had been sent there to do the business of their constituents, and not to play themselves. It would take him 20 days to go home and return: but though he was willing to give up his own convenience for the many, he could not see they would be justified in delaying the public business. Besides he understood that the question had been settled last night, and therefore could not be revived during the session.¹³ He would, therefore, oppose the motion.¹⁴

The Speaker ((SIR A. MACNAB)) informed the hon. gentleman that the motion had not been lost, but only the question "whether the main question shall now be put."¹⁵

MR. DICKSON thought those who lived in the neighborhood viewed the thing very differently from those who came from the extremities of the Province.¹⁶ He was strongly opposed to the motion before the house. Parliament had been told by the head of the Government that the house had been called at the most convenient season of the year - the house had responded to it - and how were they now about to prove the truth of it? By declaring the season so inconvenient that they had to go about for seventeen days doing nothing!! He quite concurred with the remarks of the gentlemen from Gaspé and London. The recess could not be too short.¹⁷

MR. CAMERON had at first greatly mistaken the motion before the house. The hon. gentleman had picked out the days we can and ought to meet, and says we only adjourn for seven days, but when added to the days we ought not to meet, the whole adjournment would be seventeen days.¹⁸

MR. ((ROLLAND)) MACDONALD, of Cornwall, was in favour of the motion; he considered that during Christmas and New Year no business would be done in the House; many Members would pair off, and it was doubtful if even a quorum could be obtained.¹⁹

MR. WEBSTER was opposed to the motion because it did not allow him sufficient time to go home, and he would be kept trucking his heels about in Montreal for 17 days, for the convenience and comfort of those Members who came from less distant quarters. He was for more or for less.²⁰

MR. AYLWIN felt called upon to vote against the motion, although he believed that it would meet the wishes of the majority. There was, however, an amendment requisite in the motion which he hoped the Hon.

Member (Mr. Gowan) would adopt; the motion spoke of the "the usual adjournment;" an adjournment was not usual, and he hoped the expression would be altered. He also hoped that he (Mr. G.) would be prepared to follow up his motion, by another relative to matters standing for days during the proposed recess, so that they might not fall the ground.²¹

MR. GOWAN consented to withdraw the words complained of, and also to move that all motions, orders, &c., standing for days included in the recess should take precedence after the adjournment in the House, order as now standing.²²

(55)

Mr. Johnston moved, in amendment, seconded by Mr. Prince, that this House do adjourn on the 20th instant for the term of ten days.

The question having been put upon the said motion of amendment,

The Nays being directed to cross to the left of the chair, the Hon. gentleman ((MR. JOHNSTON)) found himself in danger of being left alone and crossing over, voted against it himself.²³

(55)

it passed in the negative.

Mr. Christie then moved, seconded by Mr. Dunlop, the previous question, viz.:--

Shall the question be now put on the main motion.

Upon which the House divided.

*Tellers, { For the Yeas, Hon. Mr. Aylwin.....45
For the Nays, Mr. Roblin.....30*

So it was carried in the affirmative.

The question being then put on the main motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Armstrong, Boulton, Boutillier, Brooks, Cauchon, Chabot, Chalmers, Chauveau, Colville, Cummings, Daly, DeBleury, Duggan, Foster, Gowan, Greive, Guillet, Hale, Jessup, Johnston, Laurin, Macdonald of CORNWALL, Macdonald of KINGSTON, Macdonell of DUNDAS, Macdonell of STORMONT, M'Connell, Méthot, Meyers, Moffatt, Murney, Papineau, Petrie, Robinson, Scott, Seymour, Sherwood of BROCKVILLE, Smith of FRONTENAC, Attorney General Smith, Stewart of BYTOWN, Stewart of PRESCOTT, Taschereau, Watts and Williams.--(43.)

NAYS.

Aylwin, Baldwin, Berthelot, Bertrand, Cameron, Christie, Desaunier, DeWitt, Dickson, Drummond, Dunlop, Ermatinger, Hall, Jobin, Lacoste, LaFontaine, Lawrason, LeMoine, Leslie, Macdonald of GLENGARRY, Morin, Nelson, Powell, Price, Prince, Riddell, Roblin, Rousseau, Small, Smith of WENTWORTH, Taché, Thompson and Webster.--(33.)

So it was carried in the affirmative, and

Resolved accordingly.

After the vote was declared, MR. LAFONTAINE rose and said that of course as the house had resolved not to meet on certain seven days they would be bound to meet on the intermediate ones.²⁴

COLONEL PRINCE said it was no doubt within the knowledge of every gentleman in the House, that several members had not taken their seats at all this session. It was highly improper, and to prevent such an occurrence on the reassembling of the House, he begged to move that a call of the House be ordered for Thursday, the 9th day of January. The hon. gentleman remarked, that he should feel it his duty on that day to move that the Serjeant-at-Arms be despatched for such members as should then not be in attendance.²⁵

(55)

On motion of Mr. Prince, seconded by Mr. Macdonell of Stormont,

Call of House.

Resolved, That there be a call of this House at four o'clock, P. M., on Thursday, the ninth day of January next; and that the Clerk do, forthwith, notify all the Members thereof.

Industrial Farm.

Ordered, That Mr. Boulton have leave to bring in a Bill to authorize the Mayor, Aldermen, and Commonalty, of the city of Toronto, to purchase an Industrial Farm, in the neighbourhood thereof, and for other purposes relating thereto.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday, the sixth of January next.

Lands of John Montgomery to be re-invested.

Ordered, That the Honourable Mr. Baldwin have leave to bring in a Bill to re-invest, in John Montgomery, the property forfeited to the Crown by his attainder.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

The Honourable Mr. Attorney General Smith, by command of His Excellency, the Governor General, acquainted the House, that his Excellency having been informed of the purport of the Bill gives his consent, as far as Her Majesty's interest is concerned, that this House may do therein as they shall think fit.

Ordered, That the said Bill be read a second time on Thursday next.

Real Estate
Canada West.

Ordered, That Mr. Boulton have leave to bring in a Bill to afford relief, in certain cases, to sellers of real estate in Canada West.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Wednesday, the eighth day of January next.

Conveyance of
Lands in Upper
Canada.

Ordered, That Mr. Macdonell of Dundas, have leave to bring in a Bill to remove certain difficulties with regard to the conveyance of lands in Upper Canada, of which the grantor may not have possession, or of which a third party may be in adverse possession.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday, the thirteenth of January next.

(56)

John M'Pherson
and others.

Ordered, That Mr. Nelson be added to the Special Committee to which was referred the Petition of John M'Pherson and others, inhabitants of Crane Island, and of the parishes of St. Thomas, Cap St. Ignace, and other places, and another reference.

On motion of Mr. Christie, seconded by Mr. De Witt,

Quarterly
account of
Revenue.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to direct the proper officer, or officers, to publish, as in Great Britain, for public information, a Quarterly Abstract of the Revenue and Expenditure of the Province, shewing also the Receipts at the several ports or places of collection.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House, as are of the Honourable the Executive Council of this Province.

St. Hyacinthe
contested
Election.

Mr. Scott moved to resolve, seconded by Mr. Macdonell of Dundas, that the grounds and reasons of complaint set forth in the Petition of Leonard

Boivin and others, electors of the county of St. Hyacinthe, who have complained to this House of the undue election and return of Thomas Boutillier, Esquire, as a Member to serve for the county of St. Hyacinthe in this present Parliament, if such grounds and reasons be true, are sufficient to make void the election of the said Thomas Boutillier, Esquire.

On motion of the Honourable Mr. Aylwin, seconded by the Honourable Mr. Baldwin,

Ordered, That the further consideration of the said motion be postponed until Thursday next.

On motion of Mr. Christie, seconded by the Honourable Mr. Aylwin,

Registration of
Titles in
Lower Canada.

Ordered, That the Order of the day for the second reading of the Bill still further to facilitate the registration of titles to real property, or incumbrances thereon, in Lower Canada, which

was fixed for the twenty-third instant, be postponed until Friday, the tenth day of January next.

Marriage
License Fee
Fund.

The Order of the Day for the second reading of the Bill relating to the fund formerly known as the "Marriage License Fee Fund," to fix the fees hereafter to be taken on marriage licenses, and

to provide for the regular payment thereof into the public Treasury, being read,

Ordered, That the said Bill be read a second time on Friday, the tenth day of January next.

Nuns of Ursuline
Convent.

The Order of the Day for the second reading of the Bill to authorize the Nuns of the Ursuline Convent, at Three Rivers, to acquire and hold

additional real and moveable property, to a certain amount, being read,

Ordered, That the said Bill be read a second time on Thursday next.

Then, on motion of Mr. Gowan, seconded by Mr. Foster,

The House adjourned.

APPENDIX, 16 DECEMBER 1844.

((NOTICE OF PROPOSED MOTIONS.))

Solicitor General ((HENRY)) SHERWOOD ... gave notice that he will on the 24th inst., bring in a bill to divide certain counties in Upper Canada, and for the formation of separate townships.²⁶

MR. SOLICITOR GENERAL ((H.)) SHERWOOD gave notice of an address for Friday, praying for a return of the Toronto Harbour Dues for 1843-4.²⁷

MR. MOFFATT gave notice of his intention to introduce a Bill to alter the present system of Police in Montreal, and pace (sic) the same under the control of the Provincial Government.²⁸

COLONEL PRINCE gave notice of his intention to introduce a Bill to amend the Registry Laws of Upper Canada.²⁹

MR. SMALL gave notice of his intention to ask of the Government whether they contemplated proposing a grant of money to improve the route over Rouge hill, between Toronto and Kingston, and for building a bridge over the river, so as to render the travelling safe to her Majesty's subjects.³⁰

MR. AYLWIN gave notice of his intention to move for a copy of the commission by which the duties of Receiver General were for some time performed by Mr. Turquand. Also for a copy of the bond or bonds which he gave in security for the faithful discharge of his duties.³¹

MR. CHRISTIE gave notice of an Address, for to-morrow, to the Governor General on the subject of the steamer UNICORN.³²

MR. METHOT donne avis, que demain, le 17, il demandera aux honorables membres de l'administration, siégeant dans cette chambre, s'ils ont intention de proposer, durant cette session, un bill, soit pour abroger ou pour amender l'acte des municipalités pour le Bas Canada, et dans le cas que la division des districts municipaux resterait telle qu'elle est actuellement, si le chef-lieu du district de Nicolet sera ramené prochainement de Drummondville à Nicolet, comme il est demandé depuis longtemps.³³

((QUESTIONS AND ANSWERS RE: ALLOWANCES TO PRESBYTERIAN MINISTERS;³⁴ COMMUTATION OF SEIGNEURIAL TENURE;³⁵ REDUCTION OF OFFICIAL FEES;³⁶ ELECTORAL FRANCHISE.))

In pursuance of notice, MR. MALCOLM CAMERON asked, what course Government intended to take respecting the amount paid to the Scotch Synod, and whether they intended to continue any portion of that amount to the Free Church of Scotland.³⁷

Hon. Atty Gen. ((JAMES)) SMITH replied, that the question was one which depended on the interpretation of a statute.³⁸ It was one on which the Government were not then called on to decide, though they might have to do so hereafter.³⁹ When it should arise, the opinion of the legal advisers of the Crown would be taken upon it, and by that opinion it would be decided.⁴⁰

DR. BOUTHILLIER asked, if it was the intention of the Government to introduce a measure to commute the Seignorial Tenure?⁴¹

The Attorney General ((J. SMITH)) said, the question was one of great difficulty, and had been under the consideration of the Government. He would, however, frankly state, that he saw no means of doing anything in the matter this session.⁴²

MR. CHRISTIE asked if the Government intended to take any steps towards doing away with the system of paying public officers by fees instead of salaries.⁴³

The Attorney General ((J. SMITH)) asked what kind of offices were meant?⁴⁴

MR. CHRISTIE - Those of Prothonotary, Sheriff, and all judicial offices.⁴⁵

The Attorney General ((J. SMITH)) replied that such was not the intention of Government.⁴⁶

((MR. J. S. MACDONALD asked a question re: the electoral franchise.))⁴⁷

In reply ... the Attorney General ((J. SMITH)) said he must be aware that the Elective Franchise is fixed by Imperial Authority, and he knew of no power here to extend it.⁴⁸

((WITHDRAWN MOTION RE: PETITION OF A. MCBEAN AND OTHERS))⁴⁹

MR. GEORGE MACDONELL moved that the petition of Archibald McBean and others, praying for compensation, be referred to a select committee.⁵⁰

MR. LANTIER expressed his surprise, at a petition of that nature being referred to a committee; being of opinion, that the administration should come forward and bear the responsibility of making the demand, as it was a petition, that works contracted by private enterprise, should be purchased for the public.⁵¹

MR. ((GEORGE)) MACDONELL ... trusted that the question was settled by the decision of the House, on the petition from the Beauharnois canal,

and that it was competent for the subject to petition the collected representatives for aid or relief.⁵² ((He)) contended that it was the clear right of every one to petition Parliament, and it was absurd to say that because he brought it forward - and not the Ministry - it could not be received.⁵³

Cries of "read the petition."⁵⁴

The petition was read by the Clerk.⁵⁵

MR. ATTORNEY GENERAL ((JAMES)) SMITH said if hon. members would only bring their petitions to Government, before they presented them - all this confusion would be prevented. The Government would then be able to decide on their merits - and if they found them well founded hon. members could introduce them with the consent of Government. It was impossible to decide by simply hearing the titles of petitions read as to their character, and he trusted that members would in future transmit them previously to Government for perusal. If the hon. member would withdraw his motion for a day or two some arrangement as to this class of petitions would be made which would, he hoped, be satisfactory to both sides of the House.⁵⁶

MR. JOHNSTON hoped Mr. Macdonald would withdraw his motion, as it went directly against the Union Act, and he would not permit any infringement of the laws, by friend or foe.⁵⁷

MR. GOWAN wished to have an explanation from the Attorney-General, as to what had just fallen from him. Did he mean to say that it was unparliamentary for the subject to come before parliament, and demand compensation for injuries, through his own representative? Must he go to government first, and get their consent before petitioning? If the Attorney-General meant this, what was the injured person to do, if government refused his claim? Was it to fall to the ground?⁵⁸

Cries of "No, no."⁵⁹

((MR. GOWAN continued:)) - No, no! What then did it mean?⁶⁰

MR. HALE said this was nothing astonishing to those hon. gentlemen who had seats in the last Parliament, in which all money votes were introduced by the administration. Under the provisions of the Union Act, it was considered very indelicate for an individual member, or for committees to originate them, the Government doing so in all cases. (Hear.)⁶¹ The responsibility of all such matters lay with the government - they were bound to inquire into these claims, and come before the house for their assistance, if they conceived this just.⁶² But there was one view of the case, in which he did not think the opposition would agree with him. That was that they should offer the petitions (sic) for the consideration of Government, and receive their sanction to it, but if that

be refused, then to bring it in on their individual responsibility. (Hear.)⁶³

MR. ((ROLLAND)) MACDONALD expressed his willingness to withdraw the motion, and allow the petition to lie on the table.⁶⁴

Solicitor General ((HENRY)) SHERWOOD was glad to hear Mr. Macdonald offer to withdraw his motion, as he had seen from the discussion, which arose on the petition from the Beauharnois canal, that it was necessary to draw some definite line, and this petition was in some measure coming within the distinction made by the Union Act. (Hear.)⁶⁵ ((He)) suggested that time should be given to enable himself and colleagues to draw some definite line as to what ought to be regarded as government measures and what ought not. Nothing, the hon. gentleman observed, could be more clear than that all money grants must originate with the government, and he thought that the present petition must be considered in that light: but he could not see why or how the government was called on to take the initiative when a petition was presented to the representatives of the people, calling attention to some grievance or injury that had been suffered. He considered there was a great deal of difference between the two cases.⁶⁶ When a road was to be made from one point to another, then it was the duty of the Government to step forward. But⁶⁷ he was of opinion that when a petition prayed for remuneration for damage done, such as the pulling down of a house by a mob, it was competent for that house to refer it to a committee, and allow it to report thereon by recommendation to the government or otherwise. In a day or two the government would be prepared to point out the distinction, and lay down the necessary rules to be followed on such occasions.⁶⁸ And if a strong line were drawn, marking the boundary, hon. gentlemen never would be in error. If Mr. Macdonald withdrew his motion, as he had intended, he would be glad to see the Ministry introduce some measure defining exactly where they would stop. (Hear.)⁶⁹

DR. DUNLOP thanked both sides, for the expression of their opinions. By the "hear," "hears," which had echoed the Solicitor General's remarks, they seemed to lay down very sound doctrine, but he was sorry to entertain different opinions, and would never allow any Ministry to tell him⁷⁰ how British subjects were allowed to petition. These gentlemen had told the house that before the subjects could petition for redress of grievances, they must first come cringing to them, and beg leave to be allowed to petition! He (Dr. Dunlop) had his own opinion on the subject, and he could only say, that, if their doctrine was true,⁷¹ Responsible Government had reduced them from free born British subjects to a gang of slaves.⁷²

MR. ((GEORGE)) MACDONELL said he would lay the petition on the table.⁷³

MR. AYLWIN ((referred)) to the Union Act.⁷⁴

MR. GOWAN hoped the petition would not be deferred, but put down for consideration to-morrow. He protested against any interpretation of the

clause in the Union Act, which would interfere with the right of the subject to petition the legislature: and referred to the language of the clause to bear him out in his assertion, that it was never contemplated to throw any obstacles in the way of petition, the words being that "no bill, vote, or resolution" involving the grant of a sum of money should be originated without the sanction of the legislature. He considered the motion was quite in order; that it was quite competent for any members of that house to present a petition praying for remuneration, or for a grant of money, and refer the same to a committee without reference to the government. He was not prepared to give over this right to any ministry that might sit upon the treasury benches.⁷⁵

MR. RIDDELL could not see how referring a petition to a committee was against the Act. A committee was not the whole House, it was only a part.⁷⁶

Ultimately the petition was withdrawn ((by MR. GEORGE MACDONELL)) with the understanding that the opinion of the Government on this question will be shortly expressed, and some rule laid down for the future guidance of the House.⁷⁷

FOOTNOTES, 16 DECEMBER 1844.

1. GLOBE, 24 December 1844.
2. IBID.
3. IBID.
4. IBID.
5. IBID.
6. This debate was reported by: GLOBE, 24 December 1844; MONTREAL TRANSCRIPT, 17 December 1844; ST. CATHARINES JOURNAL, 26 December 1844; PILOT, 18 December 1844, in a brief note; and in identical accounts by the MONTREAL GAZETTE, 17 December 1844, copied by the BRITISH WHIG, 20 December 1844, and the BRITISH COLONIST, 24 December 1844. That this was not the wording of the motion as Gowan originally presented it, is made clear by the remarks made during debate; however, the wording can only be inferred from the various speeches, in particular Christie's, Aylwin's, and Gowan's second speech.
7. ST. CATHARINES JOURNAL, 26 December 1844.
8. MONTREAL GAZETTE, 17 December 1844.
9. IBID.
10. GLOBE, 24 December 1844.
11. ST. CATHARINES JOURNAL, 26 December 1844.
12. MONTREAL GAZETTE, 17 December 1844.
13. GLOBE, 24 December 1844. The ST. CATHARINES JOURNAL mistakenly identified Lawrason's speech as having been given by Morin.
14. MONTREAL GAZETTE, 17 December 1844.
15. IBID.
16. ST. CATHARINES JOURNAL, 26 December 1844.
17. GLOBE, 24 December 1844.
18. IBID.
19. MONTREAL GAZETTE, 17 December 1844.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. GLOBE, 24 December 1844.
25. IBID.
26. ST. CATHARINES JOURNAL, 26 December 1844. This notice was also reported by GLOBE, 24 December 1844, and the MONTREAL TRANSCRIPT, 17 December 1844.
27. GLOBE, 24 December 1844. This notice was also reported by MONTREAL TRANSCRIPT, 17 December 1844.
28. GLOBE, 24 December 1844. This notice was also reported by ST. CATHARINES JOURNAL, 26 December 1844.
29. GLOBE, 24 December 1844. This notice was also reported by ST. CATHARINES JOURNAL, 26 December 1844 and by MONTREAL TRANSCRIPT, 17 December 1844, which mistakenly identified the mover as Mr. Price.
30. GLOBE, 24 December 1844. This notice was also reported by MONTREAL TRANSCRIPT, 17 December 1844.
31. IBID.
32. GLOBE, 24 December 1844.
33. LA MINERVE, 19 December 1844.

34. This was reported by: MONTREAL TRANSCRIPT, 17 December 1844; ST. CATHARINES JOURNAL, 26 December 1844; MONTREAL GAZETTE, 17 December 1844, copied by BRITISH WHIG, 20 December 1844, in an account identical to those in the BRITISH COLONIST, 24 December 1844, and in the KINGSTON NEWS, 19 December 1844; PILOT, 18 December 1844; and the GLOBE, 24 December 1844.
35. This was reported by: MONTREAL TRANSCRIPT, 17 December 1844; ST. CATHARINES JOURNAL, 26 December 1844; MONTREAL GAZETTE, 17 December 1844, copied by BRITISH WHIG, 20 December 1844, in an account identical to that in the BRITISH COLONIST, 27 December 1844; and LE JOURNAL DE QUEBEC, 19 December 1844, which also contains a commentary.
36. This was reported by: MONTREAL TRANSCRIPT, 17 December 1844; ST. CATHARINES JOURNAL, 26 December 1844; MONTREAL GAZETTE, 17 December 1844, copied by BRITISH WHIG, 20 December 1844, in an account identical to that of the BRITISH COLONIST, 24 December 1844.
37. MONTREAL TRANSCRIPT, 17 December 1844.
38. MONTREAL GAZETTE, 17 December 1844.
39. MONTREAL TRANSCRIPT, 17 December 1844.
40. MONTREAL GAZETTE, 17 December 1844.
41. MONTREAL TRANSCRIPT, 17 December 1844.
42. IBID.
43. IBID.
44. IBID.
45. IBID.
46. IBID.
47. ST. CATHARINES JOURNAL, 26 December 1844.
48. IBID.
49. These petitions were reported in: ST. CATHARINES JOURNAL, 26 December 1844; MONTREAL GAZETTE, 17 December 1844, copied by BRITISH WHIG, 20 December 1844; BRITISH COLONIST, 21 December 1844, and KINGSTON CHRONICLE, 21 December 1844, in identical accounts; PILOT, 18 December 1844; GLOBE, 24 December 1844, and MONTREAL TRANSCRIPT, 17 December 1844, in accounts identical except that the GLOBE's was longer.
50. GLOBE, 24 December 1844. ST. CATHARINES JOURNAL, 26 December 1844, erroneously identifies the petitioner as McLean instead of McBean.
51. ST. CATHARINES JOURNAL, 26 December 1844.
52. IBID.
53. GLOBE, 24 December 1844.
54. IBID.
55. IBID.
56. IBID.
57. ST. CATHARINES JOURNAL, 26 December 1844.
58. GLOBE, 24 December 1844.
59. IBID.
60. IBID.
61. ST. CATHARINES JOURNAL, 26 December 1844.
62. GLOBE, 24 December 1844.
63. ST. CATHARINES JOURNAL, 26 December 1844.
64. IBID.
65. IBID.

66. GLOBE, 24 December 1844.
67. ST. CATHARINES JOURNAL, 26 December 1844.
68. GLOBE, 24 December 1844.
69. ST. CATHARINES JOURNAL, 26 December 1844.
70. IBID.
71. GLOBE, 24 December 1844.
72. ST. CATHARINES JOURNAL, 26 December 1844.
73. GLOBE, 24 December 1844.
74. ST. CATHARINES JOURNAL, 26 December 1844.
75. GLOBE, 24 December 1844.
76. IBID.
77. IBID.

TUESDAY, 17 DECEMBER 1844.

(56)

Petitions
brought up.

THE following Petitions were severally brought up and laid on the table,

By Mr. Taché, the Petition of L. G. DeLorimier and others, clerks of the circuit courts in Canada.

By Mr. Cameron, the petition of James Miller and others, late school commissioners for the township of Samia; the Petition of John R. Gemmill, of the town of Lanark, in the district of Bathurst; and the Petition of the Municipal Council of the District of Bathurst (relating to common schools.)

By Mr. Foster, the Petition of Aliel Stiles and others, inhabitants of Granby.

By Mr. Colville, the Petition of David Gibbs and others, inhabitants of Russelltown and vicinity.

By Mr. Robinson, the Petition of the Reverend John M'Intyre and others, members of the United Church of England and Ireland, in the township of Orillia, and vicinity, in the diocese of Toronto.

By Mr. Gowan, the Petition of Ephraim Webster and others, inhabitants of Gananoque, Leeds and Lansdown.

By the Honourable Mr. Solicitor General Sherwood, the Petition of M. T. O'Beirne and others, Catholics, of the city of Toronto.

By Mr. Rousseau, the Petition of P. E. Mignault and others, inhabitants of the county of Yamaska.

By Mr. Boutillier, the Petition of the Corporation of the College of St. Hyacinthe.

By Mr. Jessup, the Petition of Henry Burritt and others, inhabitants of the district of Johnstown.

By the Honourable Mr. DeBleury, the Petition of the Mayor, Aldermen and Citizens of the city of Montreal, (relating to the ordinances incorporating the said City.)

Petitions
referred.

G. R. Chisholm.

Ordered, That the Petition of George K. Chisholm, Sergeant-at-Arms to the Legislative Assembly, be referred to the Standing Committee on Contingencies.

Quebec
Corporation.

Resolved, That the Petition of the Mayor, Aldermen, and Citizens of Quebec, be referred to a Select Committee, composed of the Honourable Mr. Aylwin, Mr. Chabot, Mr. Chauveau, Mr. Berthelot and Mr. Cauchon, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Religious
Ladies of
Montreal.

Ordered, That the Petition of the Religious Ladies of the Congregation of Our Lady of Montreal, be referred to the Standing Committee on Private Bills.

Rev. L. M.
Brassard.

Resolved, That the Petition of the Reverend Louis M. Brassard, Curé of the parish of St. Antoine de Longueuil, in the county of Chambly, be referred to a Select Committee, composed of Mr. Lacoste, the Honourable Mr. Papineau, Mr. Berthelot, Mr. Boutillier and Mr. Jobin, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Baron Grant
and others.

Ordered, That the Petition of the Honourable Baron Grant de Longueuil and others, inhabitants of the counties of St. Hyacinthe, Richelieu and Chambly, be referred to the Special Committee to which was referred

(57)

so much of the Petition of Hollis Smith and others, inhabitants of the counties of Sherbrooke and Stanstead, and other places, as prays for a charter being granted to a company to establish a railroad from the Province line to the city of Montreal.

A. M'Donald
of Montreal.

Ordered, That the Petition of Alexander M'Donald, of Montreal, be referred to the Standing Committee on Contingencies.

James Dean
and others.

Resolved, That the Petition of James Dean and others, Quebec Merchants, be referred to a Select Committee, composed of the Honourable Mr. Aylwin, Mr. Chabot, Mr. Chauveau, Mr. Christie, and Mr. Cauchon, to examine the contents thereof, and to report thereon, with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

First Report on
Contingencies.

Mr. Roblin, from the Standing Committee on Contingencies, presented to the House the first Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee have proceeded in part with the examination of the details of the yearly account of disbursements, by the Clerk of your Honourable House, which that officer has laid before them, and before pursuing

that examination further, have decided to recommend to your Honourable House, an advance of the sum of four thousand pounds, on account, to enable the Clerk to pay some of the most pressing demands of the various tradesmen that have been employed in the fitting up and furnishing the present Chamber and Offices of your Honourable House, the examination into the expenditure of which sum, in connection with their other duties, will form the subject of a further Report.

Ordered, That the said Report be committed to a Committee of the whole House, on tomorrow.

Petition of
Mayor, Aldermen
and Citizens of
Montreal.

Ordered, That five hundred copies of the Petition of the Mayor, Aldermen, and Citizens, of the city of Montreal, (relating to the Ordinances incorporating the said city,) be printed in each of the English and French languages, for the use of the Members of this House.

MR. CHRISTIE ... brought under the notice of the House the current rumors as to the intention of the Home Government to remove the steamer Unicorn from the route between Pictou and Quebec... That gentleman directed ((an inquiry)) to the ministers whether they were in possession of any information respecting the intentions of the Home Government in this matter.¹

The Att'y General ((MR. JAMES SMITH)) replied that His Excellency was not in possession of any official information on the subject.²

MR. CHRISTIE, therefore, moved for an Address to His Excellency³.

(57)

On motion of Mr. Christie, seconded by Mr. De Witt,

Communication
between Pictou
and Quebec by
Steamer Unicorn.

Resolved, That an humble Address be presented to His Excellency, the Governor General, representing to His Excellency that considerable anxiety exists in this Province from a prevailing report, generally credited, that the Home Government intend to discontinue the communication kept up of late years between Quebec and Pictou, en route to Halifax, by means of Her Majesty's hired Steam Packet "Unicorn," an advantage conferred on the Province by the liberality of the Home Government, which this House and the Province duly appreciate, as affording not only an expeditious, convenient, and safe conveyance and communication over waters included within the British North American territory, between the Seat of Her Majesty's Canadian Government and the lower parts in this Province, and those in the neighbouring Provinces of Nova Scotia and New Brunswick, bordering on the Gulf St. Lawrence; but also, in case of accident, to national or mercantile shipping resorting to the Gulf and River St. Lawrence, the means of immediate relief, the withdrawal whereof will be felt as a serious public privation, which the Province is as yet of itself unable to supply, owing as well to the want of capital, for an undertaking of that magnitude and expense, as of sufficient employ to encourage the construction and equipment of sea-going steamers fit to ply in the Gulf. And praying His Excellency will be pleased to use his influence with Her Majesty's Government to keep up the

the communication alluded to, as one of utility and importance in a natural sense, as well as to Her Majesty's faithful subjects in this Province; and as this House also believes, to Her Majesty's faithful subjects in British North America generally, and who, if the continuance thereof be not inconsistent with the views of Her Majesty's Home Government, will appreciate it accordingly.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

MR. CHRISTIE moved for the appointment of a select committee to examine the public accounts which had been sent down to the House, and to report thereon with all convenient speed.⁴

(57)

Consolidated
Revenue Fund.

Resolved, That the Accounts and Statements respecting the Public Income and Expenditure of the Consolidated Revenue Fund of the Province of Canada, for the year 1843, be referred to a Special Committee of nine Members, to examine the same and report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered, That Mr. Christie, Mr. Leslie, Mr. LeMoine, Mr. Robinson, the Honourable Mr. Moffatt, Mr. Cameron, Mr. Thompson, Mr. De Witt, and Mr. Hale, do compose the said Committee.

On motion of the Hon. Mr. Aylwin, seconded by Mr. Chabot,

Post Office
Department.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to order the proper officer to lay before this House the Report drawn up by the Commissioners appointed by the late Lord Sydenham to enquire into the system in which the Post Office in British North America is conducted, and to which reference is made in the Despatch No. 74 of the Right Honourable the Lord Stanley, Her Majesty's Secretary of State for the Colonies, dated Downing Street, 3d August, 1843, communicated to this House by His Excellency; and also to pray the Governor General to direct the same officer to lay before this House copy of any correspondence, and of all documents, which in His Excellency's judgment may be fit and proper to be communicated to this House, in relation to the Post Office in British North America.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

On motion of the Honourable Mr. Aylwin, seconded by Mr. Chabot,

B. Turquand,
Esquire, acting
as Receiver
General.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency may be pleased to direct the proper Officer to lay before this House, copies of the instrument under which Bernard

Turquand, Esquire acted as Receiver General from the time of the resignation of that office by the Honourable John Henry Dunn, until the appointment of the Honourable William Morris, as Receiver General of this Province; and of the bond or bonds given by the said Bernard Turquand, Esquire, for the due discharge and performance of his duty.

(58)

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

MR. GOWAN⁵ rose to remark, that he believed that in consequence of the wording of his motion for the adjournment last evening, the House would be compelled to meet on Saturdays during the time of the recess. The rule of that House which dispensed with the attendance of members on Saturday, said that when the House rest on Friday it should stand adjourned until Monday. Now he was told that as the House would not sit on Friday, and consequently not rise on that day, the Saturday's sittings would revive. He would therefore move, in order to obviate this difficulty, that the motion of the previous day be read; that it be rescinded; and that this House do stand adjourned from Friday, 20th instant, until Tuesday, January 7th.⁶

(58)

On motion of Mr. Gowan, seconded by Mr. Greive,

Resolution on
adjournment
over the Holydays.

Ordered, That the Resolution which was agreed to by the House yesterday, respecting the adjournment over the Christmas holidays, be now read.

The said Resolution was read accordingly.

Ordered, That the said Resolution be rescinded.

Mr. Gowan moved to resolve, seconded by Mr. Greive, That this House will, at the rising of the House on Friday next, adjourn until Tuesday the seventh day of January, 1845, and that the first Rule of this House be rescinded as far as relates to this motion.

Mr. Cameron moved in amendment, seconded by Mr. Dunlop, That all the words after "That" in the said motion be struck out, and the following substituted, "when this House doth adjourn, on the 24th instant, it will stand adjourned until Friday, the third day of January next."

MR. AYLWIN saw with regret the motion of Mr. Gowan, it implied a want of faith in that House. The intention of the motion as carried upon the previous evening was to ensure a recess; he had voted against it, but it had met with the support of the majority, and to that majority he bowed; and he was sure that no honest man would attempt to raise a

quibble against the acknowledged intention of that motion.⁷

MR. GOWAN explained that the difference between the recess as moved for by himself and proposed by Mr. Cameron, was just two working days.⁸

(58)

The question having been put upon the motion of amendment, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Baldwin, Berthelot, Bertrand, Cameron, Christie, Desaunier, DeWitt, Dickson, Drummond, Duggan, Dunlop, Jobin, Lacoste, LaFontaine, Lantier, Lawrason, Leslie, Macdonald of GLENGARRY, Morin, Nelson, Powell, Price, Prince, Riddell, Roblin, Rousseau, Small, Smith of WENTWORTH, Taché, Thompson and Webster--(31.)

NAYS.

Armstrong, Aylwin, Boulton, Boutillier, Brooks, Cauchon, Chabot, Chalmers, Chauveau, Colville, Cummings, Daly, DeBleury, Ermatinger, Foster, Gowan, Groive, Guillet, Jessup, Johnston, Laurin, Macdonald of CORNWALL, Macdonald of KINGSTON, Macdonell of DUNDAS, Macdonell of STORMONT, M'Connell, Méthot, Meyers, Moffatt, Papineau, Petrie, Robinson, Scott, Seymour, Sherwood of BROCKVILLE, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Stewart of PRESCOTT, Watts, and Williams.--(41.)

So it passed in the negative.

Before the original motion was put, MR. LAFONTAINE wished to ask of Her Majesty's Ministers whether if the recess took place, at the re-assembling of Parliament, they would be prepared to go on with the measures alluded to in the Speech from the Throne; and more particularly whether they would be prepared on Friday next, to submit these measures to the House, that it might have the benefit of the recess to examine into them.⁹

The Speaker ((SIR ALLAN MACNAB)) declared the question out of order¹⁰, as there was no motion before the chair.¹¹

(58)

The question being then put on the main motion, the House divided thereon, and the names being called for, they were taken down as followeth:--

YEAS.

Armstrong, Boulton, Boutillier, Brooks, Cauchon, Chabot, Chalmers, Chauveau, Colville, Cummings, Daly, DeBleury, Foster, Gowan, Greive, Guillet, Hale, Jessup, Johnston, Laurin, Macdonald of CORNWALL, Macdonald of KINGSTON, Macdonell of DUNDAS, Macdonell of STORMONT, M'Connell, Méthot, Meyers, Moffatt, Murney, Papineau, Petrie, Robinson, Scott, Seymour, Sherwood of BROCKVILLE, Smith of FRONTENAC, Attorney General Smith, Stewart of PRESCOTT, Watts, and Williams--(40.)

NAYS.

Aylwin, Baldwin, Berthelot, Bertrand, Cameron, Christie, Desautier, DeWitt, Dickson, Drummond, Duggan, Dunlop, Ermatinger, Jobin, Lacoste, LaFontaine, Lantier, Lawrason, Leslie, Morin, Nelson, Powell, Price, Prince, Riddell, Roblin, Rousseau, Solicitor General Sherwood, Small, Smith of WENTWORTH, Taché, Thompson, and Webster--(33.)

So it was carried in the affirmative, and

Resolved accordingly.

MR. DICKSON wished to make a motion to try the temper of those who had voted for the recess, and were so anxious to go home, to see whether they were equally desirous of receiving their pay when they were doing no work; he would therefore move "that the time lost in the recess be deducted from any Sessional allowance that might be made to the members of that House."¹²

MR. GOWAN was perfectly agreeable to such a motion, and he trusted there would not be a single dissentient voice against it; and more particularly that those who called themselves Conservatives, would show by their votes, that they did not wish to receive the money of the country, while they were not giving their time to its service.¹³

MR. ROBINSON thought Mr. Dickson's motion a most unjust one; those members who laboured under the disadvantage of not being able to reach their homes during the recess, were to be still punished by the loss of their allowance. He thought it was quite right that those who had voted for the adjournment and could reach their homes, should be cut off from their allowance.¹⁴

DR. DUNLOP did not at all like to be forced to stay in Montreal by those who lived close by. He could not enjoy himself, his affairs were left to take care of themselves, and¹⁵ ((he)) thought it would be quite just to ... ((cut off)) the allowance of those who voted for the adjournment; but if this motion was pushed, he would move in amendment that those who voted against it and were compelled to stop in Montreal, should be paid double.¹⁶ (Laughter.)¹⁷

MR. AYLWIN trusted that the hon. member for Niagara would withdraw his motion, it was trifling with the House, and subjecting it to ridicule and contumely. It was not decorous that a discussion should arise about a few paltry shillings. If any hon. gentleman felt he had no right to the allowance, he might return it to the Treasury, or expend it in charity.¹⁸

MR. SOLICITOR-GENERAL ((H.)) SHERWOOD had voted both against the original motion for the adjournment and the amendment, looking upon the recess as unnecessary.¹⁹ ((He)) would like to see those paid who were doing their work, but he did not see what right they had to it for doing nothing. He had made a calculation, by which it appeared that at the rate at which members were paid last session - viz, 16s a-day - the allowance during the seventeen holidays will amount to £960; and he left it to the House whether that was worth saving or not.²⁰

MR. CAMERON thought that from what had fallen from the Solicitor-General he ought to resign, for he had acknowledged that a measure had been supported by Ministers, of which he disapproved.²¹

MR. DICKSON subsequently withdrew his motion, as it appeared to be the general wish of the House.²²

(58)

Mr. Sherwood, of Brockville moved, seconded by Mr. Seymour,

*Cornwall con-
tested Election.*

That the time for entering into recognizance by Solomon Y. Chesley, Esquire, and others, electors of the town of Cornwall, against the election and return of Rolland Macdonald, Esquire, to represent the said town of Cornwall, which will expire on Friday next, be enlarged until the ninth day of January next, and that the consideration of the Petition of the said Solomon Y. Chesley, Esquire, and others, electors of the town of Cornwall, be also postponed until the said ninth day of January next, at four o'clock in the afternoon.

MR. GEORGE SHERWOOD ... ((stated)) that that gentleman was sick and unable to attend.²³

It was stated by an hon. member that one or more of the other petitioners had been in town and they might any of them have given the required security.²⁴

(58)

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Armstrong, Aylwin, Baldwin, Berthelot, Bertrand, Brooks, Cauchon, Chabot, Chalmers, Chauveau, Christie, Cummings, DeWitt, Dickson, Drummond, Duggan, Gowan, Jessup, John, LaFontaine, Lortier, Laurin, Leslie, Macdonald of KINGSTON, Méthot, Meyers, Moffatt, Morin, Murney, Nelson, Powell, Petrie, Price, Riddell, Robinson, Roblin, Rousseau, Seymour, Sherwood of BROCKVILLE, Small, Smith of FRONTENAC, Attorney General Smith, Smith of WENTWORTH, Taché, Thompson, Webster, and Williams--
(47.)

NAYS.

Dunlop, Ermatinger, Foster, Hale, Johnston, Larsson, Macdonell of DUNDAS, Macdonell of STORMONT, Prince, Stewart of PRESCOTT, and Watts--
(11.)

So it was carried in the affirmative, and

Resolved accordingly.

On motion of the Honourable Mr. LaFontaine, seconded by Mr. Leslie,

Praying Her Majesty's free pardon and indemnity for all offences during the late period of unhappy troubles.

Resolved, That an humble Address be presented to Her Majesty, praying that she will be graciously pleased to exercise the Royal prerogative, by granting to Her Majesty's misguided subjects a free pardon, indemnity, and oblivion of all crimes, offences, and misdemeanors, connected with the unhappy troubles referred to in an humble Address of this House, of the 30th day of August, 1841, on the same subject, and

of all attainders and outlawries during the period therein mentioned;-- most humbly assuring Her most Gracious Majesty, that whenever it may please Her Majesty, through her Representative, and out of her own free will, pleasure, and mere motion, to transmit a Bill to that effect to the Provincial Assembly, the same will be received with humble gratitude, and will tend still more to confirm Her Majesty's faithful subjects, in this Province, in their affection to their Sovereign, and to strengthen the connexion which happily exists between this Province and the Parent State.²⁵

Resolved, That an humble Address be presented to His Excellency, the Governor General, informing His Excellency that this House hath voted an humble Address to Her Majesty respecting the extension of the Royal clemency to Her Majesty's misguided subjects for all offences connected with the late unhappy troubles, and humbly praying His Excellency to transmit the said Address to Her Majesty's Principal Secretary of State, for the Colonies, to be laid at the foot of the

Throne, and also to recommend the prayer thereof to Her most gracious Majesty.

(59)

Ordered, That the said Addresses be engrossed.

Resolved, That the said Addresses be presented to His Excellency, the Governor General, by the whole House.

Ordered, That such Members of this House as are of the Honourable the Executive Council of this Province, do wait upon His Excellency, the Governor General, to know His Excellency's pleasure, when he will be attended by this House with its addresses.

Petitions referred.

Jonathan Merry and others.

all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Resolved, That the Petition of Jonathan Merry and others, inhabitants of the townships of Bolton and Hatley, in the county of Stanstead, be referred to a Select Committee, composed of Mr. M'Connell, Mr. Hale, Mr. Brooks, Mr. Watts and Mr. Smith of Frontenac, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

A. Williams and others.

Ordered, That the Petition of Alvan Williams and others, inhabitants of West Bolton, in the county of Stanstead, be referred to the said Committee.

Grenville contested Election.

Mr. Cameron moved, seconded by Mr. Roblin, That the time for entering into recognizance by R. Burritt and others, freeholders of the county of Grenville, against the election and return of Hamilton D. Jessup, Esquire, to represent the said county of Grenville, which will expire on Monday the twenty-third instant, be enlarged until the tenth day of January next; and that the consideration of the said Petition, and also of the Petition of William Harris and others, freeholders of the county of Grenville, in the district of Johnstown, relative to the same subject, be likewise postponed until the said tenth day of January next, at four of the clock in the afternoon.²⁶

A long discussion arose. It was contended upon the Ministerial side, that sufficient grounds had not been given; the petitioner, who was a lawyer, had not entered into the necessary recognizances, from ignorance of the law; that many of these election petitions were presented for no other purpose than to prevent honorable members from sitting upon Election Committees.²⁷

MR. ((GEORGE)) SHERWOOD, of Brockville, stated that he had been

present at one of the polling places of the election in question, and that after it was over, Mr. Holden confessed he had been fairly beaten; expressed himself perfectly well satisfied that he had received fair play; and further stated that protests were going about, but it would be of no use for him to do so, for he knew not upon what grounds he could.²⁸

The Opposition, including MR. BALDWIN reasoned that delay had been given in previous cases, upon grounds no stronger than those now urged.²⁹

(59)

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Aylwin, Baldwin, Berthelot, Bertrand, Boutillier, Cameron, Cauchon, Chabot, Chauveau, Christie, Desautier, DeWitt, Drummond, Franchère, Jobin, Lacoste, LaFontaine, Lantier, Laurin, LeMoine, Leslie, Macdonald of GLENGARRY, Macdonell of STORMONT, Méthot, Morin, Nelson, Powell, Price, Prince, Roblin, Rousseau, Small, Smith of WENTWORTH, Taché and Thompson--(35.)

NAYS.

Brooks, Chalmers, Colville, Cummings, Daly, Dickson, Duggan, Dunlop, Ermatinger, Foster, Gowan, Greive, Hale, Johnston, Lawrason, Macdonald of CORNWALL, Macdonald of KINGSTON, Macdonell of DUNDAS, M'Connell, Meyers, Moffatt, Murney, Papineau, Petrie, Riddell, Robinson, Scott, Seymour, Sherwood of BROCKVILLE, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Stewart of PRESCOTT, Watts, Webster and Williams--(36.)

So it passed in the negative.

Loughborough
and Pittsburgh
Bill.

The Order of the Day for the second reading of the Bill to set apart certain parts of the townships of Loughborough, Pittsburg and Kingston, in the Midland district, and form the same into a new township, being read,

Ordered, That the said Bill be read a second time on Wednesday, the fifteenth day of January next.

Public Lands
Act.

The Order of the Day for the second reading of the Bill to extend the provisions of the thirteenth section of an Act of the Province of Canada, intituled, "An Act for the Disposal of Public Lands," and to enable persons who located lands prior to the fourth April, 1839, to perfect their titles to the same, being read,³⁰

MR. ((D. A.)) MACDONELL, of Stormont, moved, that the said Bill he (sic) referred to a select committee.³¹

DR. DUNLOP made some remarks upon the iniquitous system which had been pursued relative to the public lands. He believed as many men had received lands as United Empire Loyalists who fought against the Sovereign, as fought for him. At the time those grants were made, it only needed a person to have the ear of the government to obtain as much land as they chose. And these grants were disposed of for a mere song to a parcel of land-jobbers; he knew one instance of a man paying his grocer's bill in Montreal, with wild lands in Upper Canada, at the rate of a York shilling an acre; of another where a 200 acre lot was sold for a gallon of rum; of another where the sale was for enough calico to make a frock. - And so much laxity had been shown by the government in receiving claims that one person had drawn for 200 acres three times, and finally sold the papers which were still allowed to remain in her hands.³²

Upon the suggestion of MR. SOLICITOR GENERAL ((H.)) SHERWOOD, that part of the motion relative to a select committee was struck out.³³

(59)

The said Bill was accordingly read and referred to a Select Committee, composed of Mr. Macdonell, of Stormont, the Honourable Mr. Morin, Mr. Murney, Mr. Roblin and the Honourable Mr. Solicitor General Sherwood, to report thereon with all convenient speed; with power to send for persons, papers and records.

Bill to relieve
parties claiming
lands in Upper
Canada.

The Order of the Day for the second reading of the Bill to repeal certain Acts therein mentioned, and make better provision for the relief of parties claiming lands in Upper Canada, for which no patent hath issued, as representing the original nominees of the Crown, being read,

The said Bill was accordingly read,³⁴

MR. AYLWIN desired a postponement of the consideration of the bill, inasmuch as he had not been furnished with a copy.³⁵

MR. ((H.)) SHERWOOD said, he was not accountable for the neglect of the officers of the house. The Bill had been ordered to be circulated some days ago. However he had no desire to press the consideration at this moment, and to accommodate the hon. gentleman opposite he would move that the house go into committee of the whole upon said bill to-morrow.³⁶

(59)

and committed to a Committee of the whole House to-morrow.

Taxes on lands
in the district
of Wellington.

The Order of the Day for the second reading of the Bill to provide more effectually for the collection of certain arrears of taxes on lands, in the district of Wellington, being read,

The said Bill was accordingly read and committed to a Committee of the whole House, to-morrow.

Duties on
Distilleries.

The Order of the Day for the second reading of the Bill to amend the Laws now in force imposing a duty upon Distilleries in any part of the Province of Canada, being read,

The said Bill was accordingly read and committed to a Committee of the whole House.³⁷

Mr. DeWitt took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair.

And Mr. DeWitt reported that the Committee had gone through the Bill, and had made an amendment thereto, which amendment was again read at the Clerk's table and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

Megantic con-
tested Election.

The Order of the Day for taking into consideration a motion made on Friday last, "That it be resolved, that the grounds and reasons of complaint set forth in the Petition of Richard Charles Porter and others, who have complained to this House of the undue election and return of the Honourable Dominick Daly, as a Member to serve for the county of Megantic, in this present Parliament, if such grounds and reasons be true, are sufficient to make void the election of the said Honourable Dominick Daly," being read,

Ordered, That the said Order of the Day be postponed until to-morrow.³⁸

Bill to reinvest
in John Mont-
gomery certain
forfeited lands.

The Order of the Day for the second reading of the Bill to re-invest in John Montgomery the property forfeited to the Crown by his attainder, being read,

Ordered, That the said Bill be read a second time, to-morrow.

Then, on motion of Mr. Gowan, seconded by Mr. Foster.

The House adjourned.

APPENDIX, 17 DECEMBER 1844.

((NOTICE OF PROPOSED MOTIONS.))

MR. COLVILLE gave notice of an address to his Excellency, that he would cause the proper officer to lay before the house the valuation made by the commissioners, of the amount of damage sustained by certain inhabitants of the parish of St. Timoth  (sic) and St. Clement, in the county of Beauharnois, in consequence of outrages committed by persons employed on the Beauharnois canal.³⁹

MR. LAFONTAINE gave notice of his intention to ask ministers whether it is in contemplation to introduce any measure relative to the judicature of Lower Canada.⁴⁰

MR. SEYMOUR gave notice of his intention to ask ministers if it is contemplated by the government to extend the same consideration to the militia of Upper Canada who had served during the late war as to the militia of Lower Canada.⁴¹

MR. ((R.)) MACDONALD, of Cornwall, gave notice of his intention to move for an address to his Excellency for a return of the fees paid to the clerk of the crown in that portion of the province formerly called Upper Canada, for the years 1843 and 1844.⁴²

MR. ATTORNEY-GENERAL ((J.)) SMITH gave notice of his intention to move an address of congratulation to her Majesty and to Prince Albert on the birth of a Prince.⁴³

((WITHDRAWN MOTION RE: AMENDMENT OF UPPER CANADA ASSESSMENT LAW.))⁴⁴

MR. THOMPSON moved for the appointment of a select committee to examine and report upon the expediency of amending the Assessment Law of Upper Canada, to report by a bill or otherwise. - The gentlemen to compose the Committee were named in the resolution.⁴⁵

MR. ATTORNEY-GENERAL ((J.)) SMITH hoped that the hon. gentleman would not now press his motion for the appointment of a Committee at the present moment. It was the intention of the Government to take up the subject immediately, and if not to prepare a Bill to amend the existing law this session, to be prepared to introduce it at the opening of the next.⁴⁶ Every one must know that it was impossible for the Government to introduce those measures which were looked upon as of primary importance in some sections of the province as soon as individual members or he himself would wish. At the same time he assured hon. gentlemen that every effort would be made to meet the views of both sides of the House.⁴⁷

MR. THOMPSON had no objection to withdraw his motion, if the Attorney General would pledge the Government to take up the measure during the

present session. The amendment of the Assessment law was a measure, second only in importance to that relative to the Customs, and no delay should take place in legislating upon it.⁴⁸

Attorney-General ((MR. J.)) SMITH could not give the pledge required by the hon. member for Haldimand; there were a number of important subjects now engaging the attention of the Government, and that mentioned by the hon. gentleman would be proceeded with as soon after these were disposed of as possible.⁴⁹

MR. THOMPSON expressed his intention, after what had fallen from the Attorney General, to press his motion to a division.⁵⁰

MR. GOWAN said, that the matter which was introduced by the hon. gentleman who had just sat down, was one which belonged peculiarly to the administration, and the Attorney General had stated on the part of the government its intention to introduce an amendment of the existing assessment law, as soon as it was possible to do so. He thought it, therefore, only just and right that hon. members should await the action of the government. If the hon. gentleman opposite had come down to the house and assumed the responsibility of introducing a bill, it would have been for the house to discuss its merits, but when instead of doing so, he had confined his action to the nomination of a committee, with a view to inquiry, he was doing that which it was the duty of the government to do, and which the house had been assured they were engaged in doing.⁵¹

MR. MOFFATT wished to call the attention of the hon. member for Haldimand to the difficulties which he might throw in the way of amending the Assessment Law during the present session by pressing the house to a vote and the rejection of his motion. It was a question with him whether, in the event of such rejection, the subject could be again resumed during the present session of Parliament.⁵²

Attorney General ((MR. J.)) SMITH was of opinion that even with respect to the object aimed at by the hon. gentleman who had submitted the motion before the house, he was not taking the proper course. He had proposed the amendment of an existing law; and such an amendment could only be taken into consideration upon the recommendation of a Committee of the whole house.⁵³

MR. SOLICITOR GENERAL ((H.)) SHERWOOD thought it strange that the hon. member for Haldimand should persist after the assurance which had been given as to the intentions of the Government by the Attorney General. The hon. gentleman, too, had not only taken up a subject which it would be admitted on all hands belonged to the Administration; but had nominated a Committee upon which he had not placed a single member of the government. That certainly was not a proper course to pursue. The house had been informed that the Assessment Law was under the consideration of the government, and would (sic) be submitted to its consideration as early as

possible; but it must be borne in mind there were other subjects of equal, if not greater importance, to engage the attention of the government, - the Education Bill, the Municipal Bill, and others, which would necessarily occupy much time and care in legislating upon. The measure now proposed, as had been very properly remarked, was one which it was the peculiar duty of the Government to undertake, and he thought it should be left entirely to them.⁵⁴

MR. JOHNSTON said, that it was certainly a very nice way to introduce a measure into that house - to get up and propose a committee to report upon it, and put on that committee just such men as the mover pleased, so as to enable him to carry his object. He (Mr. Johnston) for one, would oppose the motion before the House.⁵⁵

MR. BALDWIN remarked, that as to the regularity of the proceeding, no objections could be taken to the course pursued by the hon. member for Hal-dimand; and in reply to an observation which fell from the hon. member for Montreal (Mr. Moffatt,) observed that the decision of the house upon the motion now submitted would not at all impede its future action. The question now would simply be upon the appointment of a committee, if the motion was negatived it would not at all prevent the hon. gentlemen on the Treasury Benches moving for leave to introduce a bill. He thought, however, that it was too much to call upon the hon. member to withdraw his motion upon the very vague assurance given by the Attorney General. That hon. gentleman did not entertain the confidence in the hon. gentlemen opposite which he had no doubt they desired he should entertain, and it was, therefore not at all surprising that he should feel hesitation in withdrawing his motion merely upon the assurance of the Attorney General that either during the present or the following session, the Government would be prepared to introduce a bill to amend the existing Law. He (Mr. Baldwin) would support the motion, but as the hon. gentlemen opposite had their majority he entertained no doubt they would succeed in defeating it.⁵⁶

MR. HENRY SMITH expressed his surprise at the course taken by the hon. member who had introduced the motion. That hon. member, shortly before the close of the last session of parliament, and after the resignation of the late ministers, had taken upon himself to propose to the house the assessment bill which they had introduced, and which was then kicked out of the house by both sides. (Oh!) Yes, it was opposed by members from Western Canada on principle, and by others, because there was not a responsible Administration in the house. Now the hon. gentleman again introduces the present motion and selects his committee, upon which he places five of those who were favourable to the system of assessment proposed in the late bill, and by whose agency he no doubt now hopes to introduce a similar measure. He hoped that the hon. gentleman would not press his motion, but leave the matter in the hands of the Government, from whom alone it ought to emanate.⁵⁷

DR. DUNLOP remarked, that one would be led to think, from the remarks

made by some hon. gentlemen, that the present assessment law was a most horrible affair; whereas he and many others had been living under it for more than a score of years, without any serious complaints having been made against it. The subject of an amendment of the assessment law was one peculiarly under the care of the Administration: it was something of the nature of a revenue law, and was as much charged upon them as any other matter affecting the revenue. He was, therefore, opposed ... to its introduction in the shape proposed by the hon. member for Haldimand: the Government had given to the house an assurance that a bill would be brought in to alter the assessment law, and he was prepared to wait until the Government should introduce their proposed measure. Headlong legislation did no good - nothing would be gained by it.⁵⁸

MR. AYLWIN hoped the hon. gentleman would withdraw his motion - (hear, hear) - the measure proposed was one which should proceed from the other side of the house. But at the same time, he was not satisfied with the remarks which had fallen from the hon. Attorney-General. If a bill would not be introduced during the present session, they had been informed that it would be during the next. Hon. gentlemen opposite had said they were not prepared now to introduce a bill, for the amendment of the assessment law. That seemed to imply that there had been misconduct somewhere. It was rather extraordinary that time should be wanting to bring in such a measure, when he recollected that nearly thirteen months had elapsed since a measure relative to the same matter had been proposed, in the last parliament. Why was it so? There was certainly blame chargeable somewhere. Perhaps it was to a man who had not a seat in either house, who had undertaken to rule the country during the last eleven months; and there was blame to be attached to the hon. member for Megantic, who had presumed to maintain office as a responsible minister during that long period. Why had he not come down to the house with such a measure? Why were the people to be deprived this session of a measure which had been admitted by the hon. gentlemen opposite to be one of great importance to the country? It had been made a charge against the late Ministers that they had introduced too many measures; he was satisfied that the present Ministry would not be reproached for bringing in too many measures. (Hear.) But he hoped that after the recess, the hon. gentleman opposite would come down to the house with a transcript of the bill which had been introduced into the last parliament by a gentleman not now a member of the house.⁵⁹

Cries of "No! No!"⁶⁰

Hon. gentlemen may cry "No!" but he ((MR. AYLWIN)) would venture to predict that when the bill which the gentlemen opposite intend to introduce would be laid before the house, it would be found to embrace the main features of that which had been introduced into the last parliament by the member for Oxford.⁶¹

MR. WILLIAMS hoped that the hon. member for Haldimand would not

press the motion which he had offered to the house. He (Mr. Williams) was an advocate of the principle of the bill which had been introduced during the last session of Parliament (hear) - that taxation should be in proportion to the value of property. But before such a measure was adopted, it was necessary that another measure should pass - a measure to place Upper and Lower Canada on the same footing relative to the payment of the expenses of the administration of justice. (Hear.) That he desired to see effected, and should then be willing to adopt an improved mode of assessment.⁶²

MR. THOMPSON expressed his willingness to withdraw his motion, and disclaimed any such motive as had been attributed to him in the earlier part of the debate.⁶³

MR. ((HENRY)) SHERWOOD would have wished that the hon. gentleman had withdrawn his motion earlier, or proceeded to take the sense of the house upon it. The hon. gentleman from Quebec had been pleased to predict that the Government will introduce a measure similar to that proposed the last session. Upon the main principles of that bill he (Mr. Sherwood) was of opinion that no administration would be sustained by the country. (Hear.) But upon the principle of taxing property according to its value, all were perfectly agreed. Such a principle had existed for several years in Upper Canada, in the city of Toronto, and had worked satisfactorily. To that principle he did not believe, there was a single member on the ministerial side of the house who was opposed. It had in its operation relieved the poor man from onerous burthens and placed them on those better able to bear them. Upon that principle of the bill they were all agreed, but to the chief provisions of that measure - the indiscriminate taxation which it proposed, he would never consent, nor would any Government advocating them be sustained by the country.⁶⁴

Attorney General ((MR. J.)) SMITH said, it was not the intention of the administration to introduce many measures into the house during the present session. He did not in that respect intend to imitate the example of his predecessors. The house during the short period it had been in session had been inundated with petitions from the people praying relief from the operation of laws passed during the last Parliament, - a result which he wished, if possible to avoid. He hoped the hon. member for Haldimand would take the advice of the hon. member for Quebec and withdraw his motion.⁶⁵

MR. PRICE ((called upon Mr. Smith)) to name ... ((those measures))⁶⁶.

There was a cry, the School Act.⁶⁷

MR. THOMPSON then moved for leave to withdraw the motion⁶⁸.

((Permission)) was granted, and the conversation dropped.⁶⁹

FOOTNOTES - 17 DECEMBER 1844.

1. KINGSTON NEWS, 26 December 1844.
2. IBID.
3. IBID.
4. BRITISH COLONIST, 27 December 1844. The MONTREAL GAZETTE, 19 December 1844, gave an identical account, but it was, in some parts, quite difficult to read; therefore we have used the BRITISH COLONIST's report.
5. This debate was reported by: L'AUREOLE, 19 December 1844; MONTREAL GAZETTE, 19 December 1844; LE CANADIEN, 20 December 1844; MONTREAL TRANSCRIPT, 19 December 1844; ST. CATHARINES JOURNAL, 26 December 1844; and PILOT, 18 December 1844, which analysed the divisions on the motion as follows: "They were not party ones. The members at a distance were against the recess, those who could conveniently avail themselves of the opportunity to visit their homes, were in favour of it."
6. MONTREAL GAZETTE, 19 December 1844.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. ST. CATHARINES JOURNAL, 26 December 1844.
12. MONTREAL GAZETTE, 19 December 1844.
13. IBID.
14. IBID.
15. ST. CATHARINES JOURNAL, 26 December 1844.
16. MONTREAL GAZETTE, 19 December 1844.
17. ST. CATHARINES JOURNAL, 26 December 1844.
18. MONTREAL GAZETTE, 19 December 1844.
19. IBID.
20. ST. CATHARINES JOURNAL, 26 December 1844.
21. MONTREAL GAZETTE, 19 December 1844.
22. ST. CATHARINES JOURNAL, 26 December 1844.
23. PILOT, 18 December 1844.
24. IBID.
25. According to PILOT, 18 December 1844, "Mr. LaFontaine carried through his address for a general amnesty without opposition. It is to be pursued by the whole House. Some of the members threaten that they will not attend."
26. This debate was reported by: MONTREAL TRANSCRIPT, 19 December 1844, and MONTREAL GAZETTE, 19 December 1844, in identical accounts; PILOT, 18 December 1844, which also contained a commentary; and ST. CATHARINES JOURNAL, 26 December 1844, which made a note of it.
27. MONTREAL GAZETTE, 19 December 1844.
28. IBID.
29. IBID.
30. This debate was reported by: BRITISH COLONIST, 27 December 1844, and KINGSTON CHRONICLE, 21 December 1844, in identical accounts; and L'AUREOLE, 19 December 1844.
31. BRITISH COLONIST, 27 December 1844.
32. IBID.
33. IBID.

34. This debate was reported by: BRITISH COLONIST, 27 December 1844, and KINGSTON CHRONICLE, 21 December 1844, in identical accounts; and L'AUREORE, 19 December 1844.
35. BRITISH COLONIST, 27 December 1844.
36. IBID.
37. This was on motion of Attorney General James Smith, according to BRITISH COLONIST, 27 December 1844.
38. The postponement was suggested by Solicitor General Henry Sherwood, according to BRITISH COLONIST, 27 December 1844, and KINGSTON CHRONICLE, 21 December 1844.
39. BRITISH COLONIST, 27 December 1844. This notice was also reported by ST. CATHARINES JOURNAL, 26 December 1844.
40. BRITISH COLONIST, 27 December 1844.
41. IBID. This notice was also reported by MONTREAL TRANSCRIPT, 19 December 1844.
42. BRITISH COLONIST, 27 December 1844. This notice was also reported by ST. CATHARINES JOURNAL, 26 December 1844.
43. BRITISH COLONIST, 27 December 1844. This notice was also reported by MONTREAL TRANSCRIPT, 19 December 1844; and ST. CATHARINES JOURNAL, 26 December 1844.
44. This motion was reported by: BRITISH COLONIST, 27 December 1844, KINGSTON NEWS, 26 December 1844, MONTREAL GAZETTE, 19 December 1844, and MONTREAL TRANSCRIPT, 19 December 1844, in identical accounts, but the MONTREAL TRANSCRIPT's report was shorter than the BRITISH COLONIST's, KINGSTON NEWS' and the MONTREAL GAZETTE's; ST. CATHARINES JOURNAL, 26 December 1844; LE CANADIEN, 20 December 1844; and PILOT, 18 December 1844, which also contained a commentary.
45. BRITISH COLONIST, 27 December 1844.
46. IBID.
47. ST. CATHARINES JOURNAL, 26 December 1844.
48. BRITISH COLONIST, 27 December 1844.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. IBID.
55. IBID.
56. IBID.
57. IBID.
58. IBID.
59. IBID.
60. IBID.
61. IBID.
62. IBID.
63. IBID.
64. IBID.
65. IBID.

- 66. PILOT, 18 December 1844.
- 67. IBID.
- 68. BRITISH COLONIST, 27 December 1844.
- 69. IBID.

WEDNESDAY, 18 DECEMBER 1844.

(60)

Leeds contested
Election.

MR. SPEAKER acquainted the House that William Buell, Theodore Hart, and Dwight P. Janes, Esquires, have entered into the usual recognizance, required by law, on the subject matter of the contested election for the county of Leeds.¹

MR. SHERWOOD rose to take objection to any further proceedings being had thereon, the time fixed by law for the receiving of recognizances having in the case of the petition before the House, expired the preceding day. The petition was presented on the 4th inst., consequently the 14 days had expired, and the recognizances could not then be put in. The facts of the case are these. On the 4th Mr. Baldwin presented Mr. Buell's petition, but on the following day, asked and obtained leave to withdraw it, as stated by himself and clearly understood by the House, for the purpose of making a verbal alteration therein; and on the 6th the hon. gentleman again presented what was supposed to be the same petition, with the alteration which he had stated to be necessary. The alteration was a slight one - the petition as originally presented alleging that Mr. Gowan was not qualified for election as a member of Parliament, omitting the words "at the period of the said election." These words were supplied and the petition again placed on the table of the House. Mr. Sherwood contended that the petition was presented on the 4th.²

(60)

The Honourable Mr. Solicitor General Sherwood moved, seconded by Mr. Boulton, That the Order of the Day for taking into consideration the Petition of William Buell, of the town of Brockville in the county of Leeds, in the district of Johnston, Esquire, a Candidate at the last election of the said county, be discharged, the said petitioner not having entered into the recognizance required by law, within fourteen days after the presentation thereof.

MR. CAMERON ... ((charged Mr. H. Sherwood)) with obstructing the suit of petitioner for party purposes.³

MR. ((H.)) SHERWOOD replied ... repudiating the intentions attributed to him, "in the ravings of the Member for Lanark."⁴

(60)

The Honourable Mr. Aylwin moved in amendment, seconded by Mr. Chabot, That all the words after "That" in the said motion be struck out, and the following substituted, "the Petitioner William Buell have delay until Friday next, to enter into recognizance as required by law, to prosecute his Petition against the return and election of the sitting Member for the county of Leeds."

MESSRS. BALDWIN, AYLWIN, CHRISTIE, ROBLIN, DRUMMOND, CHAUVEAU, and others, argued that the second petition being presented upon the 6th, dated from that time, and that the withdrawal of the first petition ended its existence; took it out of the jurisdiction of that House; and that whether that withdrawal had taken place or not, it had been still competent to the petitioner to have presented his second prayer, and to have entered into his recognizances upon that; that if an error had been committed by Mr. Baldwin in the presentation of that petition, it was he that should be held accountable for it; and that it was not just that Mr. Buell should lose his right of petition, and examination into its merits.⁵

On the 5th ... ((MR. BALDWIN)) received a letter from which we quote an extract which ... ((he)) read in his place.

"On looking over the draft of the petition against Mr. Gowan's election I observe that on the 2d division (which relates to his not possessing the requisite property qualification) it has been erroneously framed as referring to the present time not the time of his election in making the declaration of qualification, that is, it states that Gowan "is not" legally or equitably seized or possessed of lands or tenements sufficient to qualify, &c.", when it should state that he was not at the time of his being elected aforesaid or of making his said pretended declaration legally or equitably seized, &c. The statute require (sic) that he should be "seized at his election." The error in the petition appears to me very material, and if not corrected might give him a great advantage. If you have not presented the petition please withhold it and present the amended one I now send you herewith. If the former has been presented I suppose on receipt of the corrected petition the other on motion can be withdrawn and afterwards the correct one presented. At all events the erroneous petition can be abandoned and the correct one proceeded upon. I regret that the error alluded to has arisen. Please acquaint me with the time of presenting the last petition to the House in order that my brother may know when it will be necessary for him to attend and enter into recognizances to prosecute."

Such is a copy of the letter which Mr. Baldwin received, and the original of which he had with him for the inspection of any one who wished to see it. He immediately stated the facts to the House and moved for leave "to withdraw the petition for the purpose of correcting and amending the same." On the 6th he brought up the new petition of Mr. Buell, and on the 9th he moved that it be received, which was done. He notified Mr. Buell accordingly that the petition was presented on the 6th, and that gentleman came to Montreal and entered into the recognizances required by law in due time.⁶

To this it was replied by MESSRS. ATTORNEY GENERAL ((J.)) SMITH, Solicitor General ((H.)) SHERWOOD, MESSRS. MOFFATT, DEBLEURY, MURNEY, JOHNSTON, ((D.A.)) MACDONELL (Stormont), DR. DUNLOP, MR. SCOTT, and others, including Col. PRINCE, that a deception had been practised upon the House. Leave was given to withdraw the petition "to amend the same." It had been understood by the House, and even by the Speaker himself, that the same petition would be, and had been, returned to stand in the position it occupied when first presented. A new petition had been substituted in its stead without the cognizance of that house, and also without a motion being made for its reception. That it was not just that the advantage of a delay should accrue to the petitioner from the fact of a breach of the orders of the House by the Member who presented it.⁷

MR. SHERWOOD ... charged him ((Mr. Baldwin)) with an unfairness and deception of which he never could have believed that hon. gentleman to be guilty, had he not himself stated the fact to the House. He maintained, however, that the petition could be treated in no other high than as having been presented on the 4th and called upon the House to sustain the order of its proceedings by discharging the petition from all further consideration.⁸

DR. NELSON ((asked a question.))⁹

In answer ... the Speaker ((SIR ALLAN MACNAB)) said, "that if a petition

was withdrawn with a specific purpose, and instead thereof a new petition was presented in its place, that it was a contempt of the orders of that House."¹⁰

The Clerk was then directed to read the order of the House relative to the withdrawal, when it was found that "leave was given to Mr. Baldwin to withdraw the petition of William Buell, for the purpose of correcting and amending the same."¹¹

(60)

The question having been put upon the motion of amendment, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Armstrong, Aylin, Baldwin, Berthelot, Bertrand, Boutillier, Cameron, Cauchon, Chabot, Chauveau, Christie, Desautier, DeWitt, Drummond, Franchère, Jobin, Lacoste, LaFontaine, Lantier, Laurin, LeMoine, Leslie, Macdonell of STORMONT, Méthot, Morin, Nelson, Powell, Price, Roblin, Rousseau, Smith of WENTWORTH, Taché and Thompson--(33.)

NAYS.

Boulton, Brooks, Chalmers, Colville, Cummings, Daly, DeBleury, Duggan, Dunlop, Ermatinger, Foster, Greive, Guillet, Hale, Jessup, Johnston, Lawra-son, Macdonald of CORNWALL, Macdonald of KINGSTON, Macdonell of DUNDAS, M'Connell, Meyers, Moffatt, Murney, Parineau, Petrie, Prince, Riddell, Robin-son, Scott, Seymour, Sherwood of BROCKVILLE, Solicitor General Sherwood, Small, Smith of FRONTENAC, Attorney General Smith, Stewart of BYTOWN, Stew-
art of PRESCOTT, and Webster--(39.)

So it passed in the negative.

The question being then put on the main motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Boulton, Brooks, Chalmers, Colville, Cummings, Daly, DeBleury, Duggan, Dunlop, Ermatinger, Foster, Greive, Guillet, Hale, Jessup, Johnston, Lawra-son, Macdonald of CORNWALL, Macdonald of KINGSTON, Macdonell of DUNDAS, M'Connell, Meyers, Moffatt, Murney, Parineau, Petrie, Prince, Riddell, Robin-son, Scott, Seymour, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Stewart of BYTOWN, Stewart of PRESCOTT, and Webster--(37.)

NAYS.

Armstrong, Aylin, Baldwin, Berthelot, Bertrand, Boutillier, Cameron, Cauchon, Chabot, Chauveau, Christie, Desautier, DeWitt, Drummond, Franchère, Jobin, Lacoste, LaFontaine, Lantier, Laurin, LeMoine, Leslie, Macdonell of STORMONT, Méthot, Morin, Nelson, Powell, Price, Roblin, Rousseau, Sherwood of BROCKVILLE, Small, Smith of WENTWORTH, Taché, and Thompson--(35.)

So it was carried in the affirmative, and
Ordered accordingly.

County of
Stormont con-
tested Election.

Mr. Speaker acquainted the House that Alexander M'Lean, James Bell Forsyth, and F. Star Jarvis, Esquires, had entered into the usual recognizance required by law, on the subject matter of the contested election for the county of Stormont.

Petitions
brought up.

The following Petitions were severally brought up and laid on the table:--

By the Honourable Mr. Aylwin, the Petition of Messrs. James G. Heath & Co. and other merchants, of the cities of Quebec and Montreal.

By the Honourable Mr. Attorney General Smith, the Petition of the Municipal Council of the Municipal district of Missisquoi (relating to roads); and the Petition of the Municipal Council of the Municipal district of Missisquoi, (relating to the district courts.)

By the Honourable Mr. DeBleury, the Petition of the Honourable Vallière de St. Réal, Chief Justice of Montreal.

By Mr. Boulton, the Petition of John Archibald and others, members of the United Church of England and Ireland, in the township of Osnabruck, in the diocese of Toronto; and the Petition of the Reverend Henry Patton and others, members of the United Church of England and Ireland, in the town of Kemptville, and its vicinity, in the diocese of Toronto.

By Mr. Roblin, the Petition of Edward Foster and others, freeholders, of the townships of Walsingham, county of Norfolk.

By Mr. Jessup the Petition of Daniel Grant and others, inhabitants of the township of Edwardsburgh.

By the Honourable Mr. Moffatt, the Petition of Benjamin Brewster and others, landholders, residing in the vicinity of the city of Montreal.

By Mr. Greive, the Petition of Charles H. Lassiseraye, of the town of Three Rivers.

By Mr. Dunlop, the Petition of the Reverend Joseph Abbott, Master of Arts; and the Petition of W. Dunlop, Esquire, and others, inhabitants of Williams and other townships, in the Huron tract, Canada West.

Still Duty Bill.

An engrossed Bill to amend the laws now in force imposing a duty upon Distilleries, in any part of the Province of Canada, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Attorney General Smith do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the Day, the following
Petitions were read:--

Of Joseph Laurin, Esquire, and others, inhabitants of the St. John and St. Roch Suburbs of the city of Quebec, praying that the said Suburbs may be represented in the City Council of Quebec in proportion to their population.

Of Henry Laurence and others, inhabitants of the townships of Brompton, Ely, and Stukely, praying for a grant to enable them to construct a road through the said townships.

Of Richard W. Branan and others, inhabitants of the north-western part of the township of Ekfrid and the southern part of the township of Adelaide, in the London district, praying that those parts of the said townships may be set apart as a distinct township.

Of Charles Monsarrat and others, members of the United Church of England and Ireland, in the town and neighbourhood of London, in the diocese of Toronto, praying for an Address to Her Majesty recommending the passing of an Act to assign to the Church of England such proportion of the Clergy Reserve Lands as shall correspond with her share of the

(61)

funds arising from the same, and to authorize the Church Society of the diocese of Toronto, to propose a system for the future management of their portion of the said Lands.

Of D. L. Marquis, M. D., and others, inhabitants of Ste. Anne de la Pocatière, and of the township of Ixworth, praying a grant of money to continue a road opened by Government in the said township of Ixworth.

Of the Honourable Simeon Washburn, of the town of Picton, praying to be remunerated for losses sustained by him during the late war with the United States.

Of John Donaldson and others, inhabitants of the county of Haldimand, praying that the said county may be erected into a separate district.

Of the Church Society of the diocese of Toronto, praying for the passing of an Act to assign to, and vest in the Church of England such share of the Clergy Reserve Lands as shall correspond with, and be equal to, her share of the funds arising from the said Lands.

Of James Foster and others, manufacturers of boots and shoes in the city of Toronto, praying that the duty imposed on the said articles, imported from the United States, may be increased.

Of the Council of the Quebec Board of Trade, praying for certain alterations in the existing rates of the Tariff of the duties of this

Province.

Of G. B. Faribault, Esquire, President of the Literary and Historical Society of Quebec, praying for a grant to enable the said Society to procure, from Europe, certain documents relating to the early history of Canada.

Of the Right Reverend the Lord Bishop of Montreal, and others, members of the Quebec Charitable Firewood Society, praying for an Act of incorporation.

Of Gaspard Dauth, of the parish of Ste. Anne Lapérade, in the county of Champlain, praying that he may be paid certain arrears still due him for the construction of a bridge over the river Ste. Anne.

Of Patrick Trim and others, Masters and Journeymen Cordwainers, of the town of Niagara, praying that a certain duty may be imposed on boots and shoes imported from the United States.

Of Samuel Young and others, inhabitants of the townships of Williamsburgh and Winchester, praying for an aid to enable them to open and complete a certain road through the said townships.

Of the Reverend Alexander Williams and others, members of the United Church of England and Ireland, in the town of Cornwall and its vicinity, praying for an Address to Her Majesty recommending the passing of an Act to assign to the Church of England such proportion of the Clergy Reserve Lands as shall correspond with her share of the funds arising from the same, and to authorise the Church Society of the diocese of Toronto to propose a system for the future management of their portion of the said Lands.

Of Edward Glaesemeyer, Esquire, acting Mayor of the Corporation of the city of Quebec, praying that certain amendments be made to the Ordinances 3 and 4 Victoria, cap. 35, and 4 Victoria, cap. 31, incorporating the city of Quebec.

Petition of
acting Mayor
of Quebec.

Ordered, That five hundred copies of the said Petition, and of the amendments proposed by the Corporation of the city of Quebec to the Act incorporating the same, be printed in each of the English and French languages, for the use of the Members of this House.

Petition of
Rev. Alexander
Williams and
others.

Ordered, That George Macdonell, Esquire, have leave to attach his name to the sheet on which is written the Petition of the Reverend Alexander Williams and others, members of the United Church of England and Ireland, in the town of Cornwall, and its vicinity.

Petitions
referred.

M. F. Valois
and others.

by Bill or otherwise; with power to send for persons, papers and records.

Rev. Antoine
Duransaux and
others.

G. Roy and
others.

H. Brunette
and others.

Resolved, that the Petition of M. F. Valois and others, inhabitants of Lachine and other parishes, be referred to a Select Committee, composed of the Honourable Mr. Daly, Mr. Jobin, Mr. Colville, Mr. Leslie, and Mr. DeWitt, to examine the contents thereof, and to report thereon with all convenient speed,

Ordered, That the Petition of the Reverend Antoine Duransaux and others, inhabitants of Montreal and its vicinity; the Petition of the Honourable Gabriel Roy and others, inhabitants of the Côte St. Laurent, in the parish of St. Laurent; and the Petition of Hyacinthe Brunet and others, of Sainte Anne, Pointe Claire, and other parishes, be referred to the said Committee.

E. Colville and
others.

Ordered, That the Petition of E. Colville and others, inhabitants of the parish of Ste. Anicet, be referred to the Select Committee to which was referred the Petition of Jonathan Merry and others, inhabitants of the townships of Bolton and Hatley, in the county of Stanstead, and another reference.

Church Society,
Toronto.

Resolved, That the Petition of the Church Society of the diocese of Toronto, be referred to a Select Committee, composed of the Honourable Mr. Solicitor General Sherwood, the Honourable Mr. Moffatt, the Honourable Mr. Aylwin, Mr. Prince, and Mr. Macdonald of Cornwall, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers and records.

Rev. A. Williams
and others.

Ordered, That the Petition of the Reverend Alexander Williams and others, members of the United Church of England and Ireland, in the town of Cornwall and its vicinity; and the Petition of Charles Monsarrat and others, members of the United Church of England and Ireland, in the town and neighbourhood of London, in the diocese of Toronto, be referred to the said Committee.

Reid and
Shepherd.

Resolved, That the Petition of John Reid and Robert Shepherd, of the city of Montreal, be referred to a Select Committee, composed of Mr. Sherwood of Brockville, Mr. Macdonell of Stormont, Mr. Macdonell of Dundas, Mr. Murney and Mr. Meyers, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers and records.

J. Gee and
others.

Ordered, That the Petition of Joseph Gee and
others, inhabitants of the county of Haldimand;
and the Petition of John DeCow, senior, and
others, inhabitants of the county of Haldimand, be referred to the Select
Committee to which was referred the Petition of Daniel Hoover and others,
inhabitants of the county of Haldimand, and other references.

F. Cottrell and
others.

Resolved, That the Petition of Francois Cottrell
and others, freeholders and censitaires of the
Seigniority of St. Antoine, of La Baye, in the
county of Yamaska, be referred to a Select Committee, composed of

(62)

Mr. Rousseau, Mr. Lacoste, the Honourable Mr. Morin, Mr. Watts, and
Mr. Méthot, to examine the contents thereof, and to report thereon with
all convenient speed, by Bill or otherwise; with power to send for
persons, papers, and records.

Petition of J.
Laurin, Esq.,
and others.

Ordered, That two hundred and fifty copies of the
Petition of Joseph Laurin, Esquire, and others,
inhabitants of the St. John and St. Roch
Suburbs, of the city of Quebec, be printed in
each of the English and French languages for the use of the Members of
this House.

J. W. Brown,
and others.

Resolved, That the Petition of James W. Brown and
others, inhabitants of the township of Kingston,
be referred to a Select Committee, composed of
Mr. Smith of Frontenac, Mr. Cameron, Mr. Duggan, Mr. Price, Mr. Seymour,
the Honourable Mr. Small, and Mr. Smith of Wentworth, to examine the
contents thereof, and to report thereon with all convenient speed; with
power to send for persons, papers and records.

Province Line
Railroad.

Ordered, That the Honourable Mr. Attorney General
Smith, Mr. Gowan, and Mr. M'Connell, be added
to the Special Committee to which was referred
so much of the Petition of Hollis Smith and others, inhabitants of the
counties of Sherbrooke and Stanstead and other places, as prays for a
charter being granted to a Company to establish a Railroad from the
Province Line to the city of Montreal.

Lord Bishop of
Montreal.

Resolved, That the Petition of the Right Reverend
the Lord Bishop of Montreal and others, members
of the Quebec Charitable Firewood Society, be
referred to a Select Committee, composed of the Honourable Mr. Aylwin,
Mr. Chabot, Mr. Chauveau, Mr. Berthelot, and Mr. Cauchon, to examine the
contents thereof, and to report thereon with all convenient speed, by
Bill or otherwise; with power to send for persons, papers, and records.

Acting Mayor
of Quebec.

Resolved, That the Petition of Edward Glackemeyer, Esquire, acting Mayor of the Corporation of the city of Quebec, be referred to a Select Committee, composed of Mr. Chabot, the Honourable Mr. Aylwin, the Honourable Mr. Morin, Mr. Chauveau, Mr. Laurin, Mr. Christie, and Mr. Berthelot, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Mr. Speaker communicated to the House the following letter, addressed to the Clerk of this House:

LEGISLATIVE ASSEMBLY,

Saturday, 14th December, 1844.

DEAR SIR,

Letter from Law
Clerk and English
Translator.

I think the sitting of the Committee for filling the vacancy in the French Translator's Office, and determining on the assistance to be given to that Officer, may perhaps afford me a fair opportunity of suggesting whether it would not be advantageous that some young man, properly qualified, should be set apart as my especial assistant in my double office of Law Clerk and English Translator. He should be qualified to write either language, but more particularly to translate accurately out of French into English. At first I could hardly expect much assistance from him in the Law Clerk Department, but even from the first I could make him of some use, and if he were either a young lawyer or a student I could soon make him of a great deal of use. It is in the translations, however, that I shall most need him, as the quantity of work in that department will probably be heavy, more especially the evidence before Election Committees and others; and assistance of some kind I must then get, or the House might be kept waiting or the Journals retarded. You will remember that in Lower Canada there were, a Law Clerk and an Assistant Law Clerk, an English Translator and an Assistant English Translator. The duties of all these four offices I have performed alone since the Union, with the exception of about £40 worth of assistance last Session; but I have rather overworked myself and cannot always expect to be able to do as much. As yet during the fifteen years I have been an Officer of the House, I have never lost a day, but I may not always be able to do so much, and should like to train up some one to help me hereafter. He should be willing to give his whole attention to it earnestly, and to help me in Session and out of Session as long as any thing remains to be done. I leave the matter in your hands, and am, dear Sir,

Very truly and respectfully yours,

G. W. WICKSTEED.

Ordered, That the said letter be referred to the Special Committee to which was referred the Petition of W. B. Lindsay, junior, of the city of Montreal, and other references.

Yamaska con-
tested Election.

The Honourable Mr. Solicitor General Sherwood moved to resolve, seconded by Mr. Boulton, that the grounds and reasons of complaint set forth in the Petition of J. G. Barthe and others, electors of the county of Yamaska, who have complained to this House of the undue election and return of Léon Rousseau, Esquire, as a Member to serve for the county of Yamaska, in this present Parliament, if such grounds and reasons be true, are sufficient to make void the election of the said Léon Rousseau, Esquire.

On motion of Mr. Christie, seconded by the Honourable Mr. LaFontaine,

Ordered, That the further consideration of the said motion be postponed until Friday next.

On motion of the Honourable Mr. Morin, seconded by Mr. Duggan,

Private Bills.

Resolved, That the rules of this House, which determine the period for the reception of Private Bills, and for Committees to report thereupon, be respectively enlarged three weeks, from the day on which the delay would have terminated, in each case.

On motion of Mr. Colville, seconded by the Honourable Mr. DeBleury,

Valuation of
damages
sustained by
inhabitants of
St. Clement, &c.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, copies of the valuation of damages sustained by the inhabitants of St. Clement, and St. Timothée de Beauharnois, in the neighbourhood of the Beauharnois canal, as estimated by Captain Wetherall and C. Manuel, Esquire; together with such other information on the subject as His Excellency may deem fit to communicate to this House.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House, as are of the Honourable the Executive Council of this Province.

On motion of the Honourable Mr. Attorney General Smith, seconded by the Honourable Mr. Papineau,

Congratulations on
the Birth of a
Prince.

Resolved, That an humble Address be presented to Her Majesty, assuring Her that this House rejoices at the auspicious Birth of another Member of

the Royal Family, and offering the expression of its humble congratulation on Her Majesty's continued safety and health; and that it be resolved that an Address of Congratulation be also presented to His Royal Highness, Prince Albert.

(63)

Resolved, That a Select Committee, composed of the Honourable Mr. Attorney General Smith, the Honourable Mr. Baldwin and the Honourable Mr. Moffatt, be appointed for preparing an humble Address to be presented to Her Majesty offering to Her Majesty the cordial congratulations of this House on the Birth of another Prince, and a similar Address to be presented to His Royal Highness Prince Albert.

On motion of Mr. Williams, seconded by Mr. Meyers,

Interpolated
Journals.

Ordered, That that part of the printed Journals of this House of the last session of Parliament, as relates to that portion of the amendment purported to be made by the Honourable the Legislative Council to the Bill intituled "An Act to enable Religious Societies of all Denominations of Christians, in that part of the Province called Upper Canada, to hold Lands for certain purposes therein mentioned," and which amendment erroneously recites an Act of the Parliament of the Province of Upper Canada, passed in the ninth year of the Reign of His late Majesty King George the Fourth, intituled, "An Act for the Relief of the Religious Societies therein mentioned," be now read.

The said entry was read accordingly.

Ordered, That the words "Tinkers, Barkers, Shakers, Shavers, Southcotites and Gipsies," which have been interpolated in the aforesaid amendment, without authority from this House, be expunged.

Resolved, That the foregoing Orders and the Report of the Select Committee appointed to investigate and report on the said subject, be communicated by Message to the Honourable the Legislative Council.

Ordered, That Mr. Williams do carry the said Message to the Honourable the Legislative Council.

On motion of Mr. Scott, seconded by Mr. Macdonell, of Dundas,

Loss sustained by
the Parish of St.
Eustache.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to order the proper officer to lay before this House a statement of the amount of loss suffered by the parish of St. Eustache in the loss of their convent and church, during the troubles of 1837.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

On motion of Mr. Cameron, seconded by Mr. Roblin,

Grenville con-
tested Election.

Resolved, That the Petition of William Harris and others, freeholders of the county of Grenville, in the district of Johnstown, complaining of the undue election and return of Hamilton D. Jessup, Esquire, be taken into consideration on Friday, the tenth day of January next, at four o'clock, P. M., in lieu of Monday, the twenty-third instant, as before appointed by this House.

Commutation
of Tenure.

Ordered, That Mr. Christie have leave to bring in a Bill the better to facilitate commutation of the tenure en roture, in the seigniories and fiefs, in Lower Canada, into that of free and common soccage.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Wednesday, the eighth day of January next.

On motion of the Honourable Mr. Aylwin seconded by Mr. Chabot,

Montreal con-
tested Election.

Ordered, That the Order of the Day for taking into consideration the Petition of Peter Dunn and others, electors of the city of Montreal, complaining of the undue election and return of the Honourables George Moffatt and Charles C. S. DeBleury, to represent the said City, be postponed until to-morrow, and that it be then the first Order of the Day.

On motion of the Honourable Mr. Aylwin, seconded by Mr. Chabot,

Megantic con-
tested Election.

Ordered, That the Order of the Day for taking into consideration the Petition of Richard Charles Porter and others, freeholders and electors of the county of Megantic, complaining of the undue election and return of the Honourable Dominick Daly to represent the said county, be postponed until to-morrow, and that it be then the second Order of the Day.

Monopoly of
streams, mill-
sites, &c., by
Seigniors.

Ordered, That Mr. Christie have leave to bring in a Bill to declare illegal the existing monopoly of streams, mill-sites and water powers, claimed and exercised in the seigniories, in Lower Canada, by the respective seigniors and proprietors thereof.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Wednesday, the eighth day of January next.

On motion of Mr. Lacoste, seconded by Mr. Berthelot,

Judicature
Lower Canada.

Resolved, That this House do now resolve itself into a Committee of the whole House to take into consideration the expediency of amending an Act of the late Province of Lower Canada, passed in the thirty-fourth year of the reign of His late Majesty, George the Third, chapter 6, intituled, "An Act for the division of the Province of Lower Canada, for amending the Judicature thereof, and for repealing certain Laws therein mentioned," in so far as relates to counsel and opinion of relations and friends, touching the appointment of tutors, curators, to absentees or vacant estates, and other matters requiring such counsel and opinion.

The House accordingly resolved itself into the said Committee.

Mr. Christie took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Christie reported that the Committee had come to a Resolution; which Resolution was again read at the Clerk's table and agreed to by the House, and is as followeth:--

Resolved, That it is expedient to amend an Act of the Province heretofore called Lower Canada, passed in the 34th year of His late Majesty George the Third, chapter 6, intituled, "An Act for the division of the Province of Lower Canada, for amending the Judicature thereof, and for repealing certain Laws therein mentioned" in as far as that Act relates to the counsel and advice of relations and friends on the appointment of guardians or tutors, curators to absentees, or to

(64)

vacant estates, and other matters which require such counsel and advice.

Notaries enabled
to call meetings
of relations, &c.

Ordered, That Mr. Lacoste have leave to bring in a Bill to enable Notaries to call meetings of relatives and friends, in certain cases, without being thereunto specially appointed or authorized by a Judge.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Wednesday, the eighth day of January next.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, delivered to Mr. Speaker, three Messages from His Excellency, the Governor General, signed by His Excellency.

And the said Messages were read by Mr. Speaker, all the Members being uncovered, and are as followeth:--

C. T. METCALFE.

The Governor General informs the Legislative Assembly, in reply to an Address of the 12th instant, respecting the Office of Chief or Civil Secretary, that in reference to the representation regarding that office, contained in the Address of the Legislative Assembly to the Queen, relating to the Civil List, Her Majesty's Secretary of State has observed that the altered footing on which the office of Civil Secretary had been placed, previously to the receipt of the Address by His Lordship, precluded the necessity of any reply upon that subject.

GOVERNMENT HOUSE,
Montreal, 16th December, 1844.

C. T. METCALFE.

The Governor General transmits, for the information of the Legislative Assembly, copies of the several Despatches from Her Majesty's Secretary of State, enumerated in the annexed Schedule.

GOVERNMENT HOUSE,
Montreal, 16th December, 1844.

SCHEDULE OF DESPATCHES accompanying the Governor General's Message to the House of Assembly, of the 16th December, 1844.

No.	DATE.	SUBJECT.
	1843	
118	17 Nov.	In reply to the Address to the Queen from the Legislative Assembly on the Birth of Princess Alice.
130	29 "	With Prince Albert's Replies to the Addresses on the Birth of Princess Alice.

No.	DATE.	SUBJECT.
132	2 Dec.	In reply to the joint Address on the Seat of Government.
143	21 "	In reply to the Address to the Queen on the Duties charged on Foreign Publications.
	1844	
Ex-tract	27 Mar.	Communicating the decision of Her Majesty's Government on the Reserved Bill, regarding the admission of Land Surveyors in <u>Upper Canada</u> ; the Bill relating to the Market Block in the Town of <u>Niagara</u> ; and that regulating the navigation of the river <u>St. Lawrence</u> .
201	18 Apr.	Respecting the Reserve Bill for securing the Independence of the Legislative Council.
Ex-tract	27 Mar.	Respecting the Reserved Bill for securing the Independence of the Legislative Assembly.
Ex-tract	27 "	Reserved Bill for the discouragement of Secret Societies, --decision on reported.

(COPY.)

No. 118.

DOWNING STREET,
17th November, 1843.

SIR,

Birth of the
Princess Alice.

I have laid before the Queen the Addresses to Her Majesty on the Birth of Her Royal Highness the Princess Alice, adopted by the House of Assembly of Canada, in their present Session, and enclosed in your Despatch, No. 95, of the 16th October.

I have received Her Majesty's Commands to instruct you to assure the House of Assembly, that Her Majesty has received with much gratification this renewed expression of the attachment of that House to Her Majesty's Person, and of their sympathy with Her Majesty's feelings.

I have transmitted to Prince Albert the Address to His Royal Highness, which was also enclosed in your Despatch, No. 95, of the 16th October.

I have, &c.

(Signed,) STANLEY.

Governor,
 The Right Honourable
 Sir C. T. METCALFE, Bart.,
 &c. &c. &c.

(COPY.)

No. 130.

DOWNING STREET,
29th November, 1843.

SIR,

With reference to my Despatches, Nos. 118 and 119, of the 17th instant, I enclose herewith the replies of Prince Albert to the Addresses to His Royal Highness, from the Legislative Council and House of Assembly of Canada, on the occasion of the Birth of Her Royal Highness the Princess Alice; and I have to request that you will cause them to be delivered to the respective Speakers of those Houses.

I have, &c.,

(Signed,) STANLEY.

The Right Honourable
 Sir CHARLES METCALFE, Bart.,
 G. C. B., &c., &c., &c.

(COPY.)

No. 132.

DOWNING STREET,
2nd December, 1843.

SIR,

Seat of Government.

I have laid before the Queen, the joint Address of the Legislative Council and the Legislative Assembly of Canada, in Provincial Parliament assembled, enclosed in your Despatch of the 10th November, 1843, No. 123, in which the Houses of the Provincial Parliament submit to the Queen their opinion, that it is expedient that the Seat of Her Majesty's Provincial Government for

Canada should be at the City of Montreal, and assure Her Majesty that upon Her Majesty, in the gracious exercise of Her Royal Prerogative, giving directions for the location of it at that place, the Houses pledge themselves to provide the necessary supply for the expenditure which may be expected to attend the Establishment of the Seat of Government at that City.

The Queen having taken this Address into Her consideration, and adverting to the terms of the Act of the Imperial Parliament for re-uniting the Provinces of Upper and Lower Canada, and for the Government of Canada,

(65)

has been pleased to command me to instruct you, to acquaint the Legislative Council and the Legislative Assembly of Canada, that, in compliance with their expressed wish and opinion, it is Her Majesty's pleasure that the city of Montreal be henceforward the place of the habitual residence of yourself and your successors in the Government of Canada; and that it is Her Majesty's further pleasure, that the future Sessions of the Legislative Council and Assembly of the Province, be holden at Montreal, subject of course to the strict observance of the provisions of the Statute already mentioned, respecting the selection of the proper place or places for that purpose.

The Queen is further pleased to direct you to acquaint the Legislative Council and the Legislative Assembly, that Her Majesty accepts their offer of providing the necessary supplies for the expenditure which may be attendant on this measure and will give the necessary orders for ensuring the effective and economical application of any such funds, in executing the service for which they may be so appropriated.

I have, &c.

(Signed,) STANLEY.

The Right Honourable

Sir CHARLES METCALFE, Baronet,
G. C. B., &c., &c., &c.

(COPY.)

No. 143.

DOWNING STREET,
21st December, 1843.

SIR,

Foreign Prints.

I have laid before the Queen the Address to Her

Majesty from the Legislative Assembly of Canada, in Provincial Parliament assembled, dated the 10th November, 1843, praying that "Her Majesty will be pleased to adopt such measures as may, in Her wisdom, be deemed expedient to remove the discouragement arising from the duties imposed by the Imperial Act on Works of the class above mentioned, and calculated to promote the dissemination of important knowledge."

The Queen's solicitude for the general welfare of Her Majesty's Canadian Subjects, and especially for the diffusion of useful knowledge among all classes of the inhabitants of the Province, would have recommended this subject to the Queen's most careful attention, even had it not been brought under Her notice with all the authority derived from the opinion and wishes of the House of Assembly. But Her Majesty finds that the Imperial import duty leviable in Canada on foreign Books originally printed and published in Foreign countries is the same as on all other manufactures of paper,--that is 7 per cent ad-valorem--a duty imposed in the 5th and 6th year of Her Majesty's Reign, in substitution for a previous duty of 30 per cent ad-valorem. If any evidence has been collected by the Assembly to shew that this low rate of duty materially impedes the introduction into the Province of original French Works from France, the Queen, on being placed in possession of that evidence, will lose no time in considering how the evil may be best corrected. But in absence of any such information, Her Majesty being unapprized of the extent or of the sources of the mischief, is not able to judge by what means it may be most effectually remedied.

I have, &c.,

(Signed,) STANLEY.

Governor,

The Right Honourable
Sir CHARLES METCALFE, Baronet,
&c. &c. &c.

Extract of Despatch from the Right Honourable Lord STANLEY, Secretary of State for the Colonies, to the Right Honourable Sir C. T. METCALFE, Bart., G. C. B., Governor General, dated 27th March, 1844.

Land Surveyors.

Market Block in Niagara.

"The Bill regarding the admission of Land Surveyors in Upper Canada, and the Bill respecting the Market Block in the town of Niagara, are both reserved, because each of them pre-supposes the enactment of a Law which has not in fact been enacted. Her Majesty's decision on these Acts will be suspended until it shall be ascertained whether significance and effect may have been imparted to them by any other Laws to be passed in the ensuing Session.

St. Lawrence
Navigation.

Her Majesty's decision on the Bill relating to the navigation of the St. Lawrence, will also be postponed until it shall appear whether it will be superseded in the ensuing Session by the more general measure which you anticipated."

(COPY,)

No. 201.

DOWNING STREET,
18th April, 1844.

SIR,

Independence of
Legislative
Council.

I have received from Her Majesty's Attorney and Solicitor General, a Report, dated the 9th instant, on the Bill passed by the Council and Assembly of Canada, on the 9th December, 1843, and reserved by you for the signification of Her Majesty's pleasure thereon, intituled, "An Act for the better securing the Independence of the Legislative Council of this Province."

In that Report it is stated that, the proposed Bill appears very materially to interfere with the power vested in Her Majesty by the Act of the Imperial Parliament of the third and fourth year of Her Majesty's reign, chapter 25, in reference to the appointment of the Members of the Legislative Council.

It is consequently not competent to the Queen, in point of law, to assent to this Bill. In the absence of any other reason, this, of course, would be a conclusive and insuperable objection to the ratification and final enactment of it by Her Majesty.

That ratification will consequently be withheld, and the Bill will not take effect as Law in the Province of Canada,

I have, &c.,

(Signed,)

STANLEY.

Governor,

The Right Honourable

Sir CHARLES METCALFE, Baronet,
&c. &c. &c.

Extract of Despatch from the Right Honourable Lord STANLEY, Secretary of State for the Colonies, to the Right Honourable Sir C. T. METCALFE, Bart., G. C. B., Governor General, dated 27th March, 1844.

Independence of Legislative Assembly.

"The Bill for better securing the Independence of the Legislative Assembly, will be confirmed and finally enacted by the Queen in Council.

On a subject so peculiarly affecting the Rights and Privileges of the House of Assembly, Her Majesty defers to the judgment and recommendation of the two Houses of local Legislature, as the surest guide by which Her decision could be directed. It has not, however, been without some distrust of the wisdom of some of the provisions of this Law, that Her Majesty has so decided.

I assume that the exclusion from the Assembly, of all Recorders of Cities, of all Sheriffs, of the Adjutant-General of Militia, and of the Master of the Trinity House, Québec, is justified by some reason which does not exist in the case of holders of the corresponding offices in England. But what those reasons may be is not explained.

I cannot concur in the opinion, that the prohibition of Ministers of Religion, of whatever Faith or form of Worship, from holding Seats in the Assembly, and from voting for Members of that House, will really remove them from political and party strife. Nor, if I could anticipate that result, should I regard it as an advantage sufficient to countervail the great inconvenience of so detaching the whole Body of the Religious Teachers of the Province from their fellow Countrymen on questions in which all educated men must feel a lively interest, and in regard to which the great majority of such men have duties to perform from which no such regulation can debar them."

(66)

Extract of Despatch from the Right Honourable Lord STANLEY, Secretary of State for the Colonies, to the Right Honourable Sir C. T. METCALFE, Bart., G. C. B., Governor General, dated 27th March, 1844.

Secret Societies.

"Her Majesty's assent will not be given to the Bill for the discouragement of Secret Societies.

The Queen cannot be advised to concur in an enactment placing any class of Her Majesty's Subjects beyond the protection of the Law, and depriving them, without a previous conviction for crime, of the privileges to which all British Subjects have a common title. You have, as I understand, adopted every necessary measure to restrain demonstrations calculated to disturb the public peace: and, much as I regret the existence of the Societies against which this Bill is aimed, it appears to me more safe, more just, and more constitutional, to rely on the Executive Government for the prevention of their possible excesses, and on their leaders' good sense and loyalty acting on the advice, which I am sure you will tender to them, in a friendly spirit, for their ultimate dissolution, than

to encounter the evil by Legislation, affording a too ready precedent of severity and violence for imitation in future times and on other occasions."

C. T. METCALFE.

Civil List.

The Governor General transmits to the Legislative Assembly, in reply to their Address of the 5th instant, the accompanying parts of Correspondence that has passed between Her Majesty's Secretary of State and the Provincial Government, relating to the Civil List.

The Governor General informs the House of Assembly that there are no Reports of Council upon that subject.

GOVERNMENT HOUSE,
Montreal, 16th December, 1844.

S C H E D U L E.

Sir C. BAGOT, to Lord STANLEY.	{ No. 129. 7th June, 1842. With Statement of charges on the Civil List for the year 1841.
Sir C. METCALFE, to do.	{ No. 145. 11th December, 1844. With Address from the House of Assembly to the Queen, on the Civil List.
Lord STANLEY to Sir C. BAGOT.	{ (Extract.) 4th April, 1842. Requiring to be furnished with a Statement of the charges on the Civil List.
Do. to Sir C. METCALFE.	{ (Extract.) 1st February, 1844. Conveying the Queen's Answer to the Address of the Legislative Assembly on the Civil List.

(COPY.)

No. 129.

GOVERNMENT HOUSE,
Kingston, 7th June, 1842.

MY LORD,

In obedience to the instruction contained in the concluding paragraph of Your Lordship's Despatch, of the 4th April last, No. 116, I have the honour to transmit to Your Lordship herewith, a Statement of the charges on the Civil List, for the year 1841. Your Lordship will observe that the salaries of the Civil Officers are put down at their annual amount, but the Contingencies are the sums actually paid for the period between the 10th February, the day of the Union, and the close of the year.

I have, &c.,

(Signed,)

CHARLES BAGOT.

The Right Honourable
 Lord STANLEY, &c.

(COPY.)

No. 145.

GOVERNMENT HOUSE,
Kingston 11th December, 1843.

MY LORD,

I have the honour to submit an Address from the Legislative Assembly of Canada to Her Majesty, relating to the Civil List.

The immediate departure of the Packet prevents my adding such remarks on the subject of this Address, as it will be my duty to submit to you as soon as possible.

I have, &c.,

(Signed,)

C. T. METCALFE.

The Right Honourable
 Lord STANLEY, &c.

Extract of Despatch from the Right Hon. Lord STANLEY, Secretary of
State for the Colonies, to the Right Hon. Sir CHARLES BAGOT, G. C. B.,
&c., &c., &c.

dated,

DOWNING STREET,
4th April, 1842.

"Having now answered all the questions to which your Despatch has given rise; it remains only that I should request you to furnish me, with as little delay as possible, with a Statement of the present fixed charges upon the Civil List, within which it is absolutely necessary that you should bring the whole expense of these Departments of your Government which are charged upon it; and it will also be desirable that you should send me an account of the Contingencies, which, on your accession to office, you found chargeable on the same fund, and pressing unduly on your resources for the current year."

Extract of Despatch from the Right Hon. Lord STANLEY, Secretary of State for the Colonies, to the Right Hon. Sir CHARLES METCALFE, Bart., G. C. B., &c. &c.

dated,

DOWNING STREET,
1st February, 1844.

"I have received and laid before the Queen, your Despatch of the 11th December, and the Address to Her Majesty therein enclosed, from the Legislative Assembly of Canada, on the subject of the Civil List. The Queen has been pleased to receive that Address very graciously, and has commanded me to acquaint you in reply, that Her Majesty learns with regret that any portion of the enactment by which a free Constitution was restored to a part of Her Dominions, should appear to the Legislative Assembly of the United Province of Canada, to furnish matter of reasonable complaint. Her Majesty is well assured that the only objects sought by Her Parliament in making, by that enactment, provision for a Civil List, were to give stability and security to the great Civil Institutions of the Province; to provide for the adequate remuneration of able and efficient Officers in the various Public Departments; and to enable Her Majesty to make moderate provision for the declining years of those whose best days had been devoted to a faithful discharge of public duties, or who, by eminent services, might have merited the favour of the Crown. Her Majesty is fully persuaded of the concurrence of Her faithful subjects in Canada in effecting these objects. Her Majesty would gladly owe the means of attaining them to the spontaneous liberality of Her Canadian people; and whenever due and adequate provision shall have been made for them by the Legislature of Canada, Her Majesty will be prepared to recommend to Parliament the Repeal of so much of the Act of Union as relates to this subject. Until Parliament shall have assented to such a recommendation, Her Majesty, equally with all Her subjects, is bound by the provisions of an enactment to which Her sanction has been given."

(67)

COPY.

STATEMENT of the present fixed Charges on the Civil List, together

with the Contingencies which, on the accession to office of His Excellency, Sir Charles Bagot, as Governor General, were found chargeable on that fund.

HEADS OF SERVICE.	Annual fixed Charges.	Contingencies between 10th February and 31st Dec. 1841.	Total for each Department Sterling.			REMARKS.
	£ s. d.	£ s. d.	£	s.	d.	
SCHEDULE A. Salary of the Governor General UPPER CANADA--	7000 0 0	... ..	7000	0	0	
Salary of the Chief Justice	1500 0 0					
Salary of four Puisné Judges, each £900	3600 0 0					
Salary of the Vice Chancellor	1125 0 0	... ..	6225	0	0	
LOWER CANADA--						
Salary of the Chief Justice, Quebec	1500 0 0					
Salary of three Puisné Judges in the District of Quebec, at £900 each	2700 0 0					
Salary of three Puisné Judges in the District of Montreal, at £900 each	2700 0 0					
Salary of one Chief Justice of Montreal, £1100	... ..	... ..	...	...	...	There is no appointment to this office.
Salary of one Provincial Judge, resident at Three Rivers	900 0 0					
Salary of one Provincial Judge in the District of St. Francis	500 0 0					
Salary of one Provincial Judge in the District of Gaspé	500 0 0					
			8800	0	0	
			22025	0	0	

Pensions to Judges, Salaries of
the Attornies and Solicitors
General, and Contingent and

SCHEDULE A.						REMARKS.
HEADS OF SERVICE.	Annual fixed Charges.	Contingencies between 10th February and 31st Dec. 1841.	Total for each Department Sterling.			
	£ s. d.	£ s. d.	£ s. d.			
Miscellaneous Expenses of Administration of Justice, including Salaries of Sheriffs, Coroners, Clerks of the Crown, Clerks of the Courts and Petty Officers, &c. &c.						
Pension to L. P. Sherwood, as late Judge of Upper Canada	600 0 0					
Pension to James Reid, late Chief Justice of Montreal	733 6 8					
Salary of the Attorney General (East)	1500 0 0					
Salary of the Attorney General (West)	1080 0 0					
Salary of the Solicitor General (East)	1000 0 0					
Salary of the Solicitor General (West)	540 0 0					
Allowance to the Attorney General (East) for contingencies of office	300 0 0					
Allowance to the Attorney General (West) for contingencies of office	200 0 0					
Allowance to Judges for Circuits (East)	562 10 0					
Allowance to Judges for Circuits (West)	675 0 0					
Salary of the Commissioner of the Court of Requests, District of Quebec, and allowance for Travelling Expenses	£600					
ditto ditto Montreal ditto	600					
ditto ditto Three Rivers ditto	350					

SCHEDULE A.				REMARKS.
HEADS OF SERVICE.	Annual fixed Charges.	Contingencies between 10th February and 31st Dec. 1841.	Total for each Department Sterling.	
	£ s. d.	£ s. d.	£ s. d.	
Salary of the Judge of the Court of Vice Admiralty	200 0 0			
Salary of the Registrar	150 0 0			
Salary of the Marshal	75 0 0			
Salary of the Sheriff of Quebec	100 0 0	2046 3 10		
Salary of the Sheriff of Montreal	100 0 0	3695 13 5		
Salary of the Sheriff of Three Rivers	75 0 0	657 2 0		
Salary of the Sheriff of Saint Francis	50 0 0	180 0 0		
Salary of the Sheriff of Gaspé	70 0 0	200 0 0		
Allowance to the Sheriff of Quebec, Montreal and Three Rivers, for a Public Executioner, at £27 each	81 0 0			
Allowance to the Sheriff of Gaspé for Travelling Expenses	10 0 0			
Salary of the Coroner of Quebec	100 0 0	475 18 7		
Salary of the Coroner of Montreal	100 0 0	276 6 8		
Salary of the Coroner of Three Rivers	50 0 0	135 7 2		
Salary of the Coroner of Saint Francis	45 0 0			
Salary of the Coroner of County of Bonaventure (Gaspé)	25 0 0	20 0 0		
Salary of the Coroner of Gaspé	25 0 0			
Salary of the Clerk of the Provincial Court and Clerk of the Peace (Gaspé)	60 0 0	21 12 8		
Salary of the Clerk of the Crown, District of Quebec	40 0 0	102 5 7		
Salary of the Clerk of the Crown, District of Montreal	40 0 0	241 7 9		

HEADS OF SERVICE.		SCHEDULE A.				Total for each Department Sterling.		REMARKS.
		Annual fixed Charges.		Contingencies between 10th February and 31st Dec. 1841.				
		£	s. d.	£	s. d.	£	s. d.	
Salary of the Clerk of the Crown, District of Three Rivers		20	0 0	14	12 2			
Salary of the Clerk of the Court of Appeals		120	0 0					
Allowance to the Clerk of the Court of Appeals for Stationery		6	0 0					
Salary of the Usher of the ditto		27	0 0					
Salary of the Interpreter to the Courts at Quebec		40	0 0					
Salary of the Interpreter to the Courts at Montreal		40	0 0					
Salary of the Interpreter to the Courts at Three Rivers		25	0 0					
Carried over ...		£8864	16 8	8066	9 10	22025	0 0	
(68)		£	s. d.	£	s. d.	£	s. d.	
Brought over...		8864	16 8	8066	9 10	22025	0 0	
Pensions to Judges, &c. (Continued) --		36	0 0					
Salary of the High Constable at Quebec		36	0 0					
Salary of the High Constable at Montreal		27	0 0					
Salary of the High Constable at Three Rivers		20	0 0					
Salary of the Crier of the Courts at Quebec								

SCHEDULE A.

HEADS OF SERVICE.	Annual fixed Charges.		Contingencies between 10th February and 31st Dec. 1841.		Total for each Department Sterling.		REMARKS.
	£	s. d.	£	s. d.	£	s. d.	
Salary of the Tipstaff to the Courts at Quebec	18	0 0					
Salary of the Crier of the Courts at Montreal	20	0 0					
Salary of the Tipstaff to the Courts at Montreal	18	0 0					
Salary of the Crier and Tipstaff to the Courts at Three Rivers	25	0 0					
Salary of the Keeper of the Court House at Quebec	54	0 0					
Salary of the Keeper of the Court House at Montreal	72	0 0					
Salary of the Keeper of the Court House at Three Rivers	36	0 0					
Salary of the Keeper of the Court Hall and Gaol at New Carlisle	36	0 0					
Salary of the Keeper of the Court Hall and Gaol at Percé	36	0 0					
Salary of the Keeper of the Court Hall at Sherbrooke	18	0 0					
Salary of the Keeper of the Gaol at Quebec	125	0 0					
Allowance to the Keeper of the Gaol at Quebec for two Turnkeys	110	0 0					
Salary of the Keeper of the Gaol at Montreal	125	0 0					

HEADS OF SERVICE.	SCHEDULE A.						REMARKS.		
	Annual fixed Charges.			Contingencies between 10th February and 31st Dec. 1841.				Total for each Department Sterling.	
	£	s.	d.	£	s.	d.	£	s.	d.
Allowance to the Keeper of the Gaol at Montreal for two Turnkeys	72	0	0						
Salary of the Keeper of the Gaol at Three Rivers	55	0	0						
Allowance to the Keeper of the Gaol at Three Rivers for two Turnkeys	72	0	0						
Salary of the Keeper of the Gaol at Sherbrooke	25	0	0						
Salary of the Physician attending the Gaol at Quebec	200	0	0						
Salary of the Physician attending the Gaol at Montreal	200	0	0						
Salary of the Physician attending the Gaol at Three Rivers	50	0	0						
Salary of the Usher Court of King's Bench, Toronto	18	0	0						
Salary of the Keeper of the King's Bench, Toronto	18	0	0						
Salary of the Messenger of the Court of Chancery	50	0	0						
Allowance for Rent of a House for the Messenger of the Court of Chancery	36	0	0				10472	16	8
Contingencies of Crown Law Officers, late Lower Canada	...	...	...	573	4	7			
Contingencies of Crown Law Officers, late Upper Canada	...	...	...	754	17	6			

HEADS OF SERVICE.	SCHEDULE A.				Contingencies between 10th February and 31st Dec. 1841.			Total for each Department Sterling.			REMARKS.
	£	s.	d.		£	s.	d.	£	s.	d.	
RECAPITULATION OF SCHEDULE A. Governor Salary of Chief Justice, Upper Canada Four Puisné Judges, £900 each, Upper Canada Vice Chancellor, Upper Canada Chief Justice, Quebec, Lower Canada Three Puisné Judges, District of Quebec, £900 each, Lower Canada Ditto District of Montreal, ditto Chief Justice, Montreal, £1100 Provincial Judge, resident at Three Rivers Provincial Judge, Inferior District of St. Francis Provincial Judge, Inferior District of Gaspé Pensions to the Judges, Salaries of Attorneys and Solicitors General, Contingent and Miscellaneous Expenses of Administration of Justice Totals Sterling	7000	0	0		7000	0	0	Not appoin
	1500	0	0		...	...	...	1500	0	0
	3600	0	0		...	...	...	3600	0	0
	1125	0	0		...	...	...	1125	0	0
	1500	0	0		...	...	...	1500	0	0
	2700	0	0		...	...	...	2700	0	0
	2700	0	0		...	...	...	2700	0	0
	
	900	0	0		...	...	...	900	0	0
	500	0	0		...	...	...	500	0	0
	500	0	0		...	...	...	500	0	0
	10472	16	8		13200	0	1	23672	16	9	
	32497	16	8		13200	0	1	45697	16	9	

(69)

(69)

Not appointed.

HEADS OF SERVICE.	SCHEDULE B.			Contingencies between 10th February and 31st Dec. 1841.			Total for each Department Sterling			REMARKS.
	Annual fixed Charges.	£	s. d.	£	s. d.	£	s. d.			
PROVINCIAL SECRETARY, (West)--										
Salary of the Provincial Secretary	1000	0	0							
Salary of the First Clerk or Assistant Secretary	400	0	0							
Salary of the Second Clerk or Assistant Secretary	200	0	0							
Salary of the Third Clerk or Assistant Secretary	157	10	0							
Salary of the Engrossing Clerk and allowance for compiling Blue Book	270	0	0							
Salary of the Second Engrossing Clerk	157	0	0							
Salary of the Extra Engrossing Clerk	100	0	0							
Salary of the Messenger	50	0	0							
REGISTRAR'S OFFICE--										
Salary of the Registrar	500	0	0							
Salary of the First Clerk	175	0	0							
Salary of the Second Clerk	175	0	0							
Salary of the Messenger	50	0	0							
£2335 0 0										
£900 0 0										
Total fixed for Secretaries	£8036	10	0							
Contingent Expenses of Secretaries	...	...	...	4746	16	5	12783	6	5	Total for Secretaries.

SCHEDULE B.		Annual fixed Charges.		Contingencies between 10th February and 31st Dec. 1841.		Total for each Department Sterling.		REMARKS.		
	£	s.	d.	£	s.	d.	£		s.	d.
HEADS OF SERVICE.										
	RECEIVER GENERAL'S OFFICE--									
	Salary of the Receiver General	1200	0	0						
	Salary of the First Clerk	400	0	0						
	Salary of the Second Clerk	180	0	0						
	Salary of the Third Clerk	157	10	0						
	Total fixed amount	£1937	10	0						
	Contingent Expenses	225	18	4	2163	8	4
	INSPECTOR GENERAL'S DEPARTMENT--									
	Salary of Inspector General (East)--	500	0	0						
	Salary of First Clerk	150	0	0						
	Salary of Second Clerk	100	0	0						
	Allowance to the Inspector General for a Messenger	40	0	0						
	Allowance to the Inspector General for Stationery	25	0	0						
		£875	0	0						
									Total for Receiver General.	

HEADS OF SERVICE.		SCHEDULE B.							REMARKS.		
		Annual fixed Charges.				Contingencies between 10th February and 31st Dec. 1841.			Total for each Department Sterling.		
		£	s.	d.	£	s.	d.	£	s.	d.	
Expenses of Postage		...	...	...	268	9	0	2316	3	10	Total for Inspector General. NOTE.--This Department is not yet finally arranged.
Salary of Inspector General (West)		Fixed. £565 0 0									
Salary of First Clerk		270 0 0									
Salary of Second Clerk		153 0 0									
Contingent Expenses		988	0	0							
		£1803	0	0				244	14	10	
EXECUTIVE COUNCIL--		1000	0	0							
Salary of the President of Committees		800	0	0							
Salary of the Eight Councillors at £100 each		400	0	0							
Salary of the Registrar and Clerk		270	0	0							
Salary of the First Clerk		200	0	0							
Salary of the Second Clerk		180	0	0							
Salary of the Third Clerk		50	0	0							
Salary of the Messenger		50	0	0							
Salary of the Door-keeper and Office Servant		50	0	0							
Total fixed annual		£2950	0	0				441	14	4	Total for Executive Council.
Contingent Expenses		...	...	...				

HEADS OF SERVICE.		SCHEDULE B.								REMARKS.	
		Annual fixed Charges.			Contingencies between 10th February and 31st Dec. 1841.			Total for each Department Sterling.			
		£	s.	d.	£	s.	d.	£	s.	d.	
BOARD OF WORDS--											
	Salary of the Chairman	800	0	0							
	Salary of the Assistant Engineer	500	0	0							
	Salary of the Secretary and Book-keeper	400	0	0							
	Salary of the Messenger	50	0	0							
	Total fixed annual Contingencies of the Board	£1750	0	0	210	0	0	1960	0	0	Total Board of Works.
	(70)	£16477	0	0	...	...	...	22615	12	11	
	<u>Brought over</u>	16477	0	0	...	...	...	22615	12	11	
EMIGRANT AGENT--											
	Salary of the Chief Agent for Emigrants at Quebec	400	0	0							
	Contingencies of his Department	...	...	...	249	19	7	649	19	7	Total Emigrant Agent.
	Amount of fixed charges carried to the end of this Statement	£16877	0	0							
LATE LOWER CANADA--											
	PENSIONS.										
	Pension to Mrs. Baby	150	0	0							

HEADS OF SERVICE.	SCHEDULE B.				Contingencies between 10th February and 31st Dec. 1841.			Total for each Department Sterling.			REMARKS.
	Annual fixed Charges.				£	s.	d.	£	s.	d.	
Pension to Mrs. Elmsley	£	200	0	0							
Pension to Mrs. Rottot		36	0	0							
Pension to Mrs. DeLowière		21	12	0							
Pension to Miss Finlay		20	0	0							
Pension to Miss Desbarats		18	0	0							
Pension to two Misses Montizambert's at £10 each		20	0	0							
Pension to three Misses Launière's at £10 each		30	0	0							
Pension to Thomas Amyot		400	0	0							
Pension to Miss A. DeSalaberry		50	0	0							
Pension to Mrs. Jane Livingston		50	0	0							
Pension to A. W. Cochran		200	0	0							
Retired allowance to G. H. Ryland as late Secretary to the Board of Jesuits' Estates		45	0	0							
Retired allowance to F. Vassal DeMonviel as late Adjutant General of Militia		337	10	0							
Retired allowance to Jasper Brewer as late Clerk of the Executive Council		100	0	0							
Retired Allowance to Reverend R. R. Burrage as late Master of the Grammar School at Quebec		100	0	0							
Pension to Mrs. C. Gile Pommereau, (Widow Caron)		75	0	0							

HEADS OF SERVICE.	SCHEDULE B.				Contingencies between 10th February and 31st Dec. 1841.			Total for each Department Sterling.			REMARKS.
	Annual fixed Charges.				£	s.	d.	£	s.	d.	
Pension to Mrs. Lucy Rolette LATE UPPER CANADA--	75	0	0								
Pension to N. Coffin as late Adjutant General of Militia	270	0	0								
Pension to Mrs. Harriett M'Nab	45	0	0								
Pension to Mrs. F. A. Moodie	90	0	0								
Pension to Elizabeth Lawe	18	0	0								
Pension to James Carroll	18	0	0								
Pension to Mrs. Sarah Usher	90	0	0								
Pension to Sheppard M'Cormick	90	0	0								
Pension to John M'Millan	18	0	0								
Pension to Peter Millar	18	0	0								
Pension to Lewis Bright	56	5	0								
Pension to Maria Church	45	0	0								
Pension to Joseph Randall	18	0	0								
Pension to Mrs. Susan Kerry	18	0	0								
Pension to Mrs. Catharine M'Leod	18	0	0								
Pension to Mrs. Charlotte Weir	18	0	0								
Retired allowance to James Nation as late Clerk, Inspector General's Office	112	10	0								
Retired allowance to Edward M'Mahon as late Chief Clerk, Prov. Secretary's Office	210	0	0								
Pension to Colonel Thomas Talbot	400	0	0								
Pension to William M. Chewett	360	0	0								
Pension to Samuel Ridout, late Agent Land-granting Department	200	0	0								

HEADS OF SERVICE.	SCHEDULE B.						Total for each Department Sterling.	REMARKS.
	Annual fixed Charges.			Contingencies between 10th February and 31st Dec. 1841.				
	£	s.	d.	£	s.	d.		
Pension to Miss Sophia Shaw, (family of Major-General Shaw)	100	0	0					
Pension to Thomas Merritt, late Clerk Land-granting Department	47	0	0					
Pension to William Cloughley, late Office-keeper Civil Secretary's Office	25	0	0					
Pension to Lieut. Daniel M'Dougall	75	12	0					
Pension to Oneida Joseph	15	0	0					
	£4303	9	0	...	...	...	4303 9 0
	...	...	...	863	1	3	863 1 3
	£21180	9	0	7250	13	9	28431 2 9	
	8036	10	0	4746	16	5	12783 6 5	
	1937	10	0	225	18	4	2163 8 4	
	1803	0	0	513	3	10	2316 3 10	
	2950	0	0	441	14	4	3391 14 4	
	1750	0	0	210	0	0	1960 0 0	
	400	0	0	249	19	7	649 19 7	
RECAPITULATION OF SCHEDULE B.								
Secretaries								
Receiver General's Office								
Inspector General's Office								
Executive Council								
Board of Works								
Emigrant Agent								
CONTINGENCIES OF PUBLIC OFFICES								
Miscellaneous Items								
Totals Sterling								
NOTE.--Under both the Schedules the fixed charges are stated at the Annual Amounts. The Contingent Expenses are those actually incurred from								

CONTINGENCIES OF PUBLIC OFFICES

Miscellaneous Items

Totals Sterling

HEADS OF SERVICE.	SCHEDULE B.				Contingencies between 10th February and 31st Dec. 1841.	Total for each Department Sterling.			REMARKS.	
	Annual fixed Charges									
Pensions	£	s.	d.	£	s.	d.	£	s.	d.	the 10th of February,
Contingent Expenses of Public Offices	4303	9	0	...	...	...	4303	9	0	the date of
	...	...	...	863	1	3	863	1	3	the Union, to
Totals	£21180	9	0	7250	13	9	28431	2	9	the 31st December, 1841.
Total under Schedule A.	...	...	...	...	...	£	45697	16	9	
Total under Schedule B.	....	...	...	...	...	...	28431	2	9	
				Total ...	...	£	74128	19	6	

(71)

The Honourable Mr. Daly also laid before the House, by command of His Excellency, the Governor General:--

Hon. D. B.

Viger.

Return to an Address of the Legislative Assembly, bearing date the 9th instant, praying that His Excellency, the Governor General, will be pleased to order the proper officer to lay upon the table of the House a copy of the instrument by which the Honourable D. B. Viger was called to the Honourable the Executive Council of this Province, and took his Seat as a Member thereof, and also that a copy of the instrument by virtue of which the said Honourable D. B. Viger was appointed to be Chairman or President of the said Council, or of the Committee thereof, be also laid upon the table of the House for the information thereof.

Province of }
Canada.

C. T. METCALFE.

VICTORIA, by the Grace of GOD of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith,
&c. &c. &c.

COMMISSION

appointing Denis Benjamin Viger
a Member of the
Executive Council.

To all to whom these Presents shall come,
or whom the same may concern, GREETING:

FIAT.

Recorded in the
Registrar's Office
of the Records at
Kingston, the 13th
day of December,
1843, in the eigh-
teenth Register of
Commissions and
Letters Patent,
folio 172.

R. A. TUCKER,
Registrar.

KNOW YE, that being well satisfied of the loyalty, integrity and ability of our trusty and well-beloved Denis Benjamin Viger, of our city of Montreal, Esquire, we have thought fit to admit and appoint, and by these Presents do admit and appoint him, the said Denis Benjamin Viger, to be one of the Members of our Executive Council for the affairs of our said Province of Canada: To have and to hold unto him the said Denis Benjamin Viger, the said office of Member of our said Council of our said Province, with all and singular the rights and privileges thereunto belonging or in anywise appertaining, for and during our Royal pleasure: And our Royal will and pleasure further is, that he the said Denis Benjamin Viger, after taking and subscribing the oaths by law required to be taken

in that behalf, do and shall take his seat at the Board of our said Executive Council accordingly as a member thereof as aforesaid, and do and shall, during the continuance of this our Commission, have rank and precedence within our said Province of Canada next before the Honourable Dominick Daly.

In testimony whereof we have caused these our Letters to be made patent, and the great Seal of our said Province of Canada to be hereunto affixed: Witness our right and trusty and well-beloved the Right Honourable Sir Charles Theophilus Metcalfe, Baronet, Knight Grand Cross of the Most Honourable Order of the Bath, one of our Most Honourable Privy Council, Governor General of British North America, and Captain General and Governor-in-Chief in and over our Provinces of Canada, Nova Scotia, New Brunswick and the Island of Prince Edward, and Vice-Admiral of the same: At our Government House, at Kingston, in our said Province, the twelfth day of December, in the year of our Lord one thousand eight hundred and forty-three, and in the seventh year of our reign.

C. T. M.

Provincial Registrar's Office,
Montreal, 17th December, 1844.

Certified to be a true copy of the Record,

R. A. TUCKER,
Registrar.

D. DALY,
Secretary.

Province of }
Canada.

C. T. METCALFE.

VICTORIA, by the Grace of GOD of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c. &c. &c.

COMMISSION

appointing the
Hon'ble. Denis
Benjamin Viger,
President of the
Committee of the
Executive Council.

To all whom these Presents shall come, GREETING:

Recorded 8th
October, 1844.

R. A. TUCKER,
Registrar.

KNOW YE, that having taken into our Royal consideration the loyalty, integrity and ability of our trusty and well beloved the Honourable Denis Benjamin Viger, we have constituted and appointed, and by these presents do constitute and appoint, the said Denis Benjamin Viger to be President of the Committee of the Executive Council of our said Province of Canada, in the place of the Honourable Robert Baldwin Sullivan, resigned: To have, hold, exercise and enjoy the said Denis Benjamin Viger, for and during our

pleasure and his residence within our said Province, together with all and singular the rights, profits, privileges and advantages thereunto belonging and appertaining, in the most full and ample manner:

Provided always, that he the said Denis Benjamin Viger do execute the said office in person, except in case of sickness or other incapacity.

In testimony whereof we have caused these Our Letters to be made patent, and the great Seal of our said Province to be hereunto affixed: Witness our right trusty and well beloved Sir Charles Theophilus Metcalfe, Baronet, G. C. B. one of our most Honourable Privy Council, Governor General of British North America, and Captain General and Governor-in-Chief in and over our Provinces of Canada, Nova Scotia, New Brunswick and the Island of Prince Edward, and Vice-Admiral of the same, &c. &c. &c., at Montreal, this seventh day of October, in the year of our Lord one thousand eight hundred and forty-four, and in the eighth year of our reign.

By Command,

JAMES HOPKIRK,
Assistant Secretary.

Provincial Registrar's Office,
Montreal, 17th December, 1844.

Certified to be a true copy of the Record.

R. A. TUCKER,
Registrar.

The Honourable Mr. Daly also laid before the House, by command of His Excellency, the Governor General:--

King's Posts.

Return to an Address of the Legislative Assembly, bearing date the 9th instant, praying that His Excellency, the Governor General, will be pleased to order the proper officer to lay upon the table of the House the instrument or authority whatever, by virtue whereof the tract of country upon the rivers Saguenay and St. Lawrence, known as "The King's Posts" in the district of Quebec, is now held by the Honourable the Company of Merchant Adventurers of England.

Province of
Canada.

CHARLES BAGOT.

VICTORIA, by the Grace of GOD of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c. &c.
LETTERS PATENT
for leasing the

King's Posts to
the Honourable
the Hudson's Bay
Company.

(L. S.)

FIAT.

Recorded in the
Registrar's Of-
fice of the Re-
cords, at Kingston,
the 5th day of
July, 1844, in
the seventeenth
Register of
Commissions and
Letters Patent,
folio 401 to 404
inclusive.

R. A. TUCKER,
Registrar.

To all to whom these presents shall come, or
whom the same may concern, GREETING.

WHEREAS the Lease bearing date the twenty-
sixth day of July, one thousand eight hundred
and twenty-two, made and executed by His Excellency,
George Earl of Dalhousie, then Governor in Chief

(72)

in and over that part of our said Province
heretofore Lower Canada, for and in behalf of our
Royal Predecessor, King George the Fourth, to and
in favour of John Goudie, of the city of Quebec,
Ship Builder, of all those Her Majesty's Domain Lands
and Posts situate and lying on the north side of the
River St. Lawrence in our late Province of Lower
Canada, commonly called and known by the name of
King's Posts, will expire and end on the first day
of October, one thousand eight hundred and forty-
two. And whereas it has been judged expedient by
our GOVERNOR-in-Chief in and over our said Province
of Canada, by and with the advice and consent of
the Executive Council of and for our said

Province, that a grant and lease of the said Tract
and Domain Lands and premises for the purposes

hereinafter mentioned shall be made and executed to and in favour of the
Governor and Company of Adventurers of England trading into Hudson's
Bay, and their successors, for the term of twenty-one years, to be
computed from the second day of October, one thousand eight hundred and
forty-two, upon the terms and conditions, hereinafter mentioned. Now
Know Ye that in consideration of the rent, covenants, provisoes, and
agreements hereinafter reserved and contained on the part and behalf of
the said Governor and Company of Adventurers of England trading into
Hudson's Bay, and their successors, to be paid, performed, and kept,
We have granted, demised, and leased, and by these presents do grant,
demise, and lease unto the said Governor and Company, and their succes-
sors, all that certain tract or parcel of the Domain Lands situate,
lying, and being on the north side of the River St. Lawrence, in our
said Province of Canada, commonly called and known by the name of The
King's Posts, together with all and every the Wharves and Buildings
thereon erected and being, and all and every the appurtenances, for the
purposes of carrying on an exclusive trade with the Indians at and upon
the said Domain Lands hereby demised and leased, and an exclusive Seal
Fishery and Seal Fisheries thereat: to have and to hold, enjoy and
occupy, the said tract or parcel of land and premises, together with the
rights and privileges hereby demised and leased unto the said Governor
and Company, and their successors, for the purposes aforesaid, solely for
and during the term of twenty-one years from the second day of October

next, to be fully complete and ended, but subject, nevertheless, as hereinafter is mentioned. The Governor and Company, and their successors, paying for the same unto us, our heirs, and successors, yearly and every year during the said term, the sum of six hundred pounds, currency of this Province, by equal half-yearly payments to be made on the second day of April and on the second day of October in every year, to the Receiver General in and for our said Province, at his Office, or to such person as our Governor, Lieutenant Governor, or person administering the Government of our said Province, for the time being shall appoint to receive the same, at the Office of the Secretary of our said Province, whereof the first payment shall be made on the second day of April, which will be in the year of our Lord one thousand eight hundred and forty-three, the said payments, and each of them, to be free and clear of all manner of taxes, rates, assessments, deductions, or abatements whatsoever now payable, or hereafter to become payable for or in respect of the said premises or any part thereof, and not to be in anywise diminished or abated by reason of the entering upon, or taking possession of, or of the granting or conveyance of any parts or portions of the said tract or parcel of land and premises for the purposes of actual settlement and cultivation, in pursuance of the proviso hereinafter contained: Provided always and the lease hereinbefore contained is made on this express condition, that the said Governor and Company, and their successors, shall, and do, from the date of these presents, forever acquit, release, exonerate, and discharge us, our heirs, and successors, and whomsoever else it may concern, of and from the payment and reimbursement to them or to their assigns, or to any person claiming by or through them of the sum of one thousand eight hundred pounds, currency of this Province, aforesaid by them paid for the value of certain Indian Debts, under and by reason of certain stipulations contained in the said lease to the said John Goudie, bearing date the twenty-sixth day of July, one thousand eight hundred and twenty-two: Provided also, that if the said yearly rent hereinbefore reserved or any part thereof, shall be unpaid for the space of three calendar months next after the same is hereinbefore made payable, or if the said Governor and Company, or their successors, shall neglect or fail in, or be guilty of any breach, nonperformance, or nonobservance of any of the clauses, conditions, provisos, or agreements in these presents contained, which on their parts are to be observed and kept, then and thenceforth, in any of the said cases, it shall be lawful for us, our heirs, and successors, into the said demised premises to enter and the same to have again as of our and their former Estate, and as if these presents had not been made or granted: Provided also, that the said Governor and Company, and their successors, for and during the continuance, and until the expiration of the said lease hereinbefore contained shall, at their own costs and charges, keep and uphold the said tract or parcel of land hereby leased and demised, and all and every the buildings, wharves, fences, enclosures, and other improvements and premises thereunto in anywise appertaining, save and except such parts and portions thereof as from time to time may be entered upon or

taken possession of, or be granted or conveyed for the purposes of settlement or cultivation, in pursuance of the proviso hereinafter contained, in good condition and repair, and shall at the expiration of the said Lease by effluxion of time or under and by virtue of any of the conditions, limitations or reservations hereinbefore contained, deliver up the said tract or parcel of land, buildings, wharves, fences, enclosures, and other improvements in anywise thereunto appertaining to us, our heirs and successors, in good condition and repair, and that the said Governor and Company or their successors shall not by reason of any houses, buildings, erections, or other improvements made, or to be made, on the said tract or parcel of ground and premises, claim or pretend to any equivalent or indemnity, and that the said houses, buildings, erections, and other improvements, shall thenceforth be vested in us, our heirs and successors. Provided, nevertheless, and we do hereby declare our pleasure to be, that nothing herein contained shall extend, or be construed to extend, to prevent the right from time to time and at all times during the said term hereby demised and leased, of us our heirs and successors, to enter into and upon and take possession of, and to grant and convey any part or portion of the said tract or parcel of land hereby demised, as we our heirs and successors may deem expedient, and the benefit of our said Province and of our loving subjects therein may require for the purposes of actual settlement and cultivation thereof, but for no other purpose, or on any other account whatever.

And we do further direct, that a copy of these our Letters be made out, whereupon shall be written and executed, under the seal of the corporation of the said Governor and Company, their acceptance of the present grant and demise to them made, and their consent and agreement to perform the conditions therein contained, and that the said copy shall be kept by our Secretary of our said Province.

In testimony whereof we have caused these our Letters to be made patent, and the great Seal of our said Province of Canada to be hereunto affixed: Witness our right trust and well beloved the Right Honourable Sir Charles Bagot, Knight Grand Cross of the Most Honourable Order of the Bath, one of our Most Honourable Privy Council, Governor General of British North America, and Captain General and Governor-in-Chief in and over our Provinces of Canada, Nova Scotia, New Brunswick and the Island of Prince Edward, and Vice-Admiral of the same: At our Government House in our city of Quebec, in our said Province, this twenty-seventh day of June, in the year of our Lord one thousand eight hundred and forty-two, and in the sixth year of our reign.

S. B. HARRISON,
Secretary.

Provincial Registrar's Office,
Montreal, 17th December, 1844.

Certified to be a true and correct copy of the Record.

R. A. TUCKER,
Registrar.

(73)

SPECIAL ENTRY.

King's Posts.

(L. S.)
Recorded in the
Registrar's Of-
fice of the Re-
cords, at Kings-
ton, the 30th day
of August, 1842.

R. A. TUCKER,
Registrar.

Since the Letters Patent, dated 27th June, 1842, for leasing the King's Posts to the Honourable the Hudson's Bay Company, were recorded in pages 401 to 404 of this volume, the said Letters Patent have been brought back to this Office with the following additional clause inserted therein for registration:--

KNOW ALL MEN by these Presents, that the Governor and Company of Adventurers of England, trading into Hudson's Bay, by their Attorney James Keith, of Lachine, in the district of Montreal, Esquire, in that behalf duly authorized and empowered by the Letter of Attorney, hereunto annexed, and bearing date under their common seal, the sixteenth day of May, now last past, have accepted and do hereby, for themselves and their successors, accept the Grant and Lease made to them by Our Sovereign Lady the QUEEN, in virtue of these Letters Patent, upon and under all and singular the terms, conditions, reservations, and provisoes, therein set forth and contained, and do hereby bind and oblige themselves and their successors to observe, perform, and fulfil, all and every the obligations, matters and things by them to be observed, performed, and fulfilled, according to the tenour and effect of the said Letters Patent.

Done at Montreal, in the Province of Canada, this sixteenth day of July, in the year of our Lord one thousand eight hundred and forty-two.

The Governor and Company of Adventurers of England, trading into Hudson's Bay.

By their Attorney,

JAMES KEITH.

Signed and Executed in the presence of

(Signed,)

JOHN MONK,
of Montreal, Advocate.

G. C. O. BUCHANAN,
of Montreal, Gentleman.

Certified to be a true Copy.

R. A. TUCKER,
Registrar.

SPECIAL ENTRY.

To all whom these Presents shall come: the Governor and Company of Adventurers of England, trading into Hudson's Bay, send GREETING:

The Governor and Company of Hudson's Bay to James Keith, Esq. Power of Attorney to execute Lease or counterpart of the King's Posts, in Lower Canada.

(L.S.)

Recorded in the Registrar's Office of the Records at Kingston, the 28th day of July, 1843, in the eighteenth Register of Commissions and Letters Patent, folio 182.

R. A. TUCKER,
Registrar.

WHEREAS the said Governor and Company are now seized or possessed of and in certain Domain Lands and Posts situate and lying on the north side of the River St. Lawrence, in the Province of Lower Canada, commonly called and known by the name of the King's Posts, under and by virtue of a certain Indenture of Lease and demise, bearing date the twenty-sixth day of July, one thousand eight hundred and twenty-two, made and executed by His Excellency George, Earl of Dalhousie, then Governor in Chief in that part of the Province of Lower Canada, for and in behalf of His late Majesty King George the Fourth, to and in favour of John Goudie, of the city of Quebec, Ship Builder, for a term which will expire on the first day of October, one thousand eight hundred and forty-two, subject to the yearly rent, and to the several covenants, provisoes, and agreements in the said Indenture of Lease contained. And whereas, it has been judged expedient by the Governor in Chief of the said Province of Canada, by and with the advice and consent of the Executive Council of the said Province, that a Grant and Lease of the said tract and Domain Lands and premises, for the purposes therein mentioned, should be made and executed to, and in

favour of the said Governor and Company, and their successors, for the term of twenty-one years, to be computed from the second day of October, one thousand eight hundred and forty-two, at the rent, and subject to the several covenants, provisoes, and stipulations in the said Indenture of Lease, to be reserved and contained. And whereas, the said Governor and Company are desirous of appointing a proper person as their Attorney, for the purpose of executing the said Grant and Lease, to be made and executed as aforesaid, or the counter-part thereof on their behalf, and

to invest their said Attorney with the powers and authorities for that purpose, hereinafter contained. Now these Presents Witness, that the said Governor and Company, for divers good causes and considerations, them thereunto moving, have made, ordained, nominated, constituted, and appointed, and by these Presents do make, ordain, nominate, constitute, and appoint, and in their place and stead put James Keith, of the place called Lachine, in the district of Montreal and Province of Lower Canada, Esquire, their true and lawful Attorney for them the said Governor and Company, and in their name to accept of and enter into, make, seal, deliver, and execute, the act and deed of the said Governor and Company with His Excellency the said Governor in Chief, for the time being, of the said Province of Canada, the said further Lease and demise so to be made and granted of the said tract and Domain Lands and premises called King's Posts, situate as aforesaid, with all the wharves and buildings thereon erected and being, and all and every the appurtenances for the purpose of carrying on an exclusive trade with the Indians at or upon the said Domain Lands thereby demised and leased, and an exclusive Seal Fishery and Seal Fisheries thereat for the said renewed term so to be granted as aforesaid. And generally, for the said Governor and Company, and in their name, to do, perform, and execute all and every such further and other act and acts, matters and things, as shall be found necessary or expedient to be done or executed in or about, touching or concerning the premises as fully and effectually, to all intents and purposes, as they the said Governor and Company might or could do, they the said Governor and Company hereby allowing, ratifying and confirming, and promising and agreeing to allow, ratify and confirm all and whatsoever he the said James Keith, as their said Attorney, shall lawfully do or cause to be done in or about the premises under or by virtue of these Presents.

In Witnessss whereof the said Governor and Company have caused their common Seal to be hereunto affixed, the sixteenth day of May, in the year of our Lord one thousand eight hundred and forty-two.

Sealed under the common Seal of the within-mentioned Governor and Company, and delivered by William Smith, their Secretary, pursuant to their order and appointment (being first duly stamped) in the presence of

W. G. SMITH.

(L. S.)

By order of the Governor and Committee.

W. SMITH,

Secretary.

London,
To Wit:

I, WILLIAM GREGORY SMITH, of the Hudson's Bay House, in the city of London, in the service of the Hudson's Bay Company, do solemnly and sincerely declare that the power of Attorney above written was duly sealed with the Corporate Seal of the Governor and Company of Adventurers of England, trading into Hudson's Bay, and delivered, on behalf of the said Company by William Smith, the Secretary to the said Company, in my presence, and that the Seal thereto affixed is the proper Corporate Seal of the said Governor and Company, and the name "William G. Smith" set and subscribed as the Witness attesting the execution of the said power is the proper handwriting of me this Declarant, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the sixth year of the reign of His late Majesty, intit-

(74)

uled "An Act to repeal an Act of the then present Session of Parliament, intituled, 'An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the state, and to substitute declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial oaths and affidavits, and to make other provisions for the abolition of unnecessary oaths.'"

This declaration was made at
the Mansion House, London,
this 17th day of May, before me,

WM. G. SMITH.

JOHN PIRIE,
Mayor.

To all to whom these Present shall come:

I, SIR JOHN PIRIE, Baronet, Lord Mayor of the city of London, in pursuance of an Act of Parliament, made and passed in the fifth year of the reign of His late Majesty King George the Second, intituled, "An Act for the more easy Recovery of Debts in His Majesty's Plantations and Colonies in America," and also in pursuance of an Act passed in the sixth year of the reign of His late Majesty King William the Fourth, intituled, "An Act to Repeal an Act of the then present Sessions of Parliament, intituled, "An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of voluntary and extrajudicial Oaths and Affidavits, and to make other provision for the Abolition of unnecessary Oaths," do hereby certify that on the day of the date hereof personally came and appeared before me, William Gregory Smith, named in the declaration hereunto

annexed, being a person well known and worthy of good credit, and who did before me solemnly and sincerely declare to be true the several matters and things mentioned and contained in the said annexed declaration.

In faith and testimony whereof, I, the said Lord Mayor, have caused the Seal of the office of Mayoralty of the said city of London to be hereunto put and affixed, and the power of Attorney (L.S.) mentioned and referred to in and by the said declaration to be hereunto also annexed, dated in London, the seventeenth day of May, in the year of our Lord one thousand eight hundred and forty-two.

REGINAE.

Provincial Registrar's Office,
Montreal, 17th December, 1844.

The foregoing power of Attorney, declaration, and certificate, have been carefully and correctly copied from the Records under my charge.

R. A. TUCKER,
Registrar.

Mr. Speaker communicated to the House the following letter, by him received, from the Civil Secretary:--

CIVIL SECRETARY'S OFFICE,
Montreal, 13th December, 1844.

SIR,

Birth of the
Princess.

I have the honour, by command of the Governor General, to deliver to you the enclosed letter, which has been received from Her Majesty's Secretary of State, in reply to the Address presented by the Legislative Assembly to His Royal Highness, Prince Albert, during last Session.

I have the honour to be,
Sir,
Your most obedient and
Humble Servant,

J. M. HIGGINSON.

The Honourable
The Speaker of the
Legislative Assembly,
&c. &c. &c.

WINDSOR CASTLE,
November 25, 1843.

SIR,

Birth of the
 Princess.

I am commanded by His Royal Highness Prince
Albert, to return thanks to the Members of the
 Commons of Canada, for their congratulatory
 Address on the happy occasion of the Birth of the Princess.

I have the honour to be,
 Sir,
 Your most obedient servant,

G. E. ANSON.

AUSTIN CUVILLIER, Esq.,
 Speaker.

Ordered, That five hundred copies of the several Papers and Despatches
 from Lord Stanley, transmitted, by Message, this day, be printed in
 each of the English and French languages, for the use of the Members
 of this House.

On motion of Mr. Robinson, seconded by Mr. Boulton,

Stormont con-
 tested Election.

Ordered, That the Petition of Alexander M'Lean,
 Esquire, and others, electors of the county
 of Stormont, complaining of the undue election
 and return of Donald Aeneas Macdonell, Esquire, to represent the said
 county of Stormont, in this present Parliament, be taken into considera-
 tion by this House, on Wednesday, the fifteenth day of January next,
 at the hour of four o'clock, P. M., and that notice to that effect,
 in writing, be forthwith given by Mr. Speaker to the Petitioners and
 to the sitting member, according to the provisions of the second clause
 of an Act passed by the Parliament of Upper Canada, during the fourth
 year of the reign of His late Majesty King George the Fourth, chapter 4.

On motion of Mr. Boulton, seconded by Mr. Robinson,

Norfolk con-
 tested Election.

Resolved, That the Petition of David Duncombe,
 Esquire, late a candidate for the county of
Norfolk, and others, his supporters, complain-
 ing of the undue election and return of Israel Wood Powell, Esquire,
 be taken into consideration on Friday, the tenth day of January next,
 at four o'clock, P. M., in lieu of Saturday, the twenty-eighth instant,
 as before appointed by this House.

On motion of Mr. Laurin, seconded by Mr. Dunlop,

Freedom of the
Legislative
Assembly.

Resolved, That this House will, on the fifteenth day of January next, resolve itself into a Committee of the whole House, to consider the expediency of amending a certain Act intituled, "An Act for better securing the freedom of the Legislative Assembly of this Province," inasmuch as the said Act deprives the gentlemen of the Clergy from voting at the elections of the Members of the Legislative Assembly of this Province.

On motion of Mr. Gowan, seconded by Mr. Dunlop,

Lanark con-
tested Election.

Resolved, That the Petition of Alexander Fraser, Esquire, late a candidate for the county of Lanark, at the last election; the Petition of William Duncan and others, freeholders of the county of Lanark; and the Petition of A. W. Playfair, senior, and others, freeholders of the county of Lanark, severally complaining of the undue election and return of Malcolm Cameron, Esquire, to represent the county of Lanark, be taken into consideration on Monday, the thirteenth day of January next,

(75)

at four of the clock in the afternoon, in lieu of Tuesday, the twenty-fourth instant, as before appointed by this House.

Civil and Po-
litical rights of
certain persons.

The Order of the Day for the second reading of the Bill to revive and continue for a limited time, part of the fourth clause of an Act passed in the fourth and fifth years of the Reign of Her Majesty Queen Victoria, intituled, "An Act to secure to and confer upon certain inhabitants of this Province the civil and political rights of natural born British subjects," being read,

The said Bill was accordingly read, and referred to a Select Committee, composed of Mr. Powell, the Honourable Mr. Attorney General Smith, the Honourable Mr. Papineau, Mr. Hale, and Mr. Prince, to report thereon with all convenient speed; with power to send for persons, papers and records.

Ordered, That it be an instruction to the said Committee to consider and report to this House the expediency of extending the provisions of the said Bill, so as to provide for the naturalization of aliens, emigrating to this Province, after a residence of seven years.

Simcoe Church
Lands.

The Order of the Day for the second reading of the Bill to enable the trustees holding a certain lot in the town of Simcoe, for the use of a church, to sell or convey the same or any portion thereof, and to appropriate the proceeds to a like use, being read,

The said Bill was accordingly read and committed to a Committee of the whole House, on Monday the thirteenth day of January next.

Contingencies.

The Order of the Day for the House in Committee on the first report of the Standing Committee on Contingencies, being read,

The House accordingly resolved itself into the said Committee.

Mr. Dunlop took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Dunlop reported that the Committee had come to a resolution, which he was directed to submit to the House whenever it shall be pleased to receive the same.

Ordered, That the report be received to-morrow.

Heirs and
Devisees.

The Order of the Day for the House in Committee on the Bill to repeal certain Acts therein mentioned, and to make better provision for the relief of parties claiming lands in Upper Canada, for which no Patent hath issued, as representing the original nominees of the Crown, being read,

The House accordingly resolved itself into the said Committee.

Mr. Roblin took the chair of the Committee,¹²

MR. SOLICITOR-GENERAL ((H.)) SHERWOOD rose and stated briefly to the committee, the objects contemplated by the Bill, which was to provide means of settling disputed claims by the appointment of a commission to sit at Toronto, altering the composition of the commission as it existed under the present law. The removal of the seat of government had rendered necessary such a change, it being impossible that two members of the Executive Council should proceed to Toronto to sit upon the commission, or that one of the Judges should come down here. The Bill provided for the appointment of the Chief Justice and the four Judges, with the Vice-Chancellor, and such other officers as his Excellency might deem it proper to appoint; which would constitute a court the best qualified to decide upon the cases to come before it.¹³

Col. PRINCE and MR. BALDWIN expressed themselves in favor of the bill.¹⁴

15

((It)) was adopted by the committee .

The Solicitor General ... ((MR. HENRY SHERWOOD stated)) that it was important that the bill should pass through its several stages as early as possible, and receive the Royal assent, as the commission would shortly meet in Toronto, and it was desirable that the present bill should go into immediate operation.¹⁶

(75)

and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Roblin reported that the Committee had gone through the Bill, and had made several amendments thereto; which amendments were again read at the Clerk's table.

Resolved, That the Report of the Committee be now received, and that the rule of this House, so far as relates to the same, be dispensed with.

Ordered, That the question of concurrence be now separately put upon each of the said amendments.

And the said amendments being again severally read, and the question of concurrence being separately put upon each, they were agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

Taxes on
Lands in Dis-
trict of Wel-
lington.

The Order of the Day for the House in Committee on the Bill to provide more effectually for the collection of certain arrears of Taxes on lands in the district of Wellington, being read,

The House accordingly resolved itself into the said Committee.

The Honourable Mr. Solicitor General Sherwood took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And the Honourable Mr. Solicitor General Sherwood reported that the Committee had gone through the Bill, and had made an amendment thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

Ordered, That the report be received on Friday, the tenth day of January next.

Montgomery
Estate.

The Order of the Day for the second reading of the Bill to re-invest in John Montgomery the property forfeited to the Crown by his attainder, being read,

The said Bill was accordingly read, and ordered to be engrossed.

An engrossed Bill, to re-invest in John Montgomery the property forfeited to the Crown by his attainder, was read for the third time.

Resolved, That the Bill do pass, and the title be, "An Act to vest in John Montgomery and Thomas Ewart, the property forfeited to the Crown by the attainder of the said John Montgomery."

Ordered, That the Honourable Mr. Baldwin do carry the said Bill to the Legislative Council, and desire their concurrence.

Insolvent
Debtors.

The Order of the Day for the House in Committee to consider the expediency of repealing certain parts of the first and second sections of an Act of the Legislature of Lower Canada, passed in the sixth year of the Reign of His late Majesty, King William the Fourth, chapter 4, intituled, "An Act to afford relief during a limited time to insolvent Debtors," being read,

Ordered, That the said Order of the Day be postponed until Thursday, the ninth day of January next.

Then, on motion of Mr. Macdonell of Cornwall, seconded by Mr. Lawrason,

The House adjourned.

APPENDIX, 18 DECEMBER 1844.

((NOTICE OF PROPOSED MOTION.))

((MR. AYLWIN)) gave notice of his intention to address His Excellency to cause the Hon. D. B. Viger to be suspended from the offices he holds in the Government, until he shall have obtained a Seat in Parliament.¹⁷

FOOTNOTES - 18 DECEMBER 1844.

1. This debate was reported by: BROCKVILLE RECORDER, 26 December 1844, which copied from PILOT, 20 December 1844; MONTREAL TRANSCRIPT, 19 December 1844; MONTREAL GAZETTE, 19 December 1844, copied by BRITISH WHIG, 24 December 1844, and KINGSTON CHRONICLE, 21 December 1844, in identical accounts; KINGSTON NEWS, 26 December 1844; and LA MINERVE, 19 December 1844. All the above sources contain at least as much commentary on the debate as actual reporting of its substance. According to all the sources, the tone of the debate was quite violent. The MONTREAL TRANSCRIPT explains the crux of the issue as follows: "The real question was whither (sic) Mr. Baldwin was justified, after having obtained permission to withdraw a petition which was before the House, for the express purpose of correcting it, in substituting another petition, which although the same in its wording, was not the one originally introduced into the House. On this point depended the question of time: for if it was decided that he could, then the second petition dated from the 6th, the moment of its presentation, from which day the fourteen days for receiving the recognizances ran: if not, then the first petition alone remained, and it was necessary to go back to the 4th, which would exclude the petitioner." The debate ended only at 8 P. M., after five hours of what the KINGSTON NEWS described as "angry debate."
2. KINGSTON NEWS, 26 December 1844.
3. MONTREAL GAZETTE, 19 December 1844.
4. IBID.
5. IBID.
6. PILOT, 20 December 1844.
7. MONTREAL GAZETTE, 19 December 1844.
8. KINGSTON NEWS, 26 December 1844, which added that during his speech Sherwood was "considerably excited".
9. MONTREAL GAZETTE, 19 December 1844.
10. IBID.
11. IBID.
12. This debate was reported by: BRITISH COLONIST, 27 December 1844, and MONTREAL GAZETTE, 21 December 1844, in identical accounts; and LE CANADIEN, 23 December 1844.
13. BRITISH COLONIST, 27 December 1844.
14. IBID.
15. IBID.
16. IBID.
17. MONTREAL TRANSCRIPT, 19 December 1844.

THURSDAY, 19 DECEMBER 1844.

(75)

Halton con-
tested Election.

THE hour appointed for taking into consideration the Petition of James Durand, Esquire, of Dundas, in the county of Halton, in the Gore district, complaining of the undue election and return of James Webster, Esquire, as a member to represent the county of Halton in this present Parliament, being come,

(76)

The House proceeded to the appointment of a Select Committee to try and determine the merits of the said Petition.

The Sergeant-at-Arms was directed by Mr. Speaker to go with the Mace to the places adjacent, and require the attendance of the Members on the business of the House.

And he went accordingly,

And being returned, the House was called, and more than thirty Members being present,

Mr. Speaker called upon the Petitioner, his counsel or agent, to appear at the bar.

James Durand, Esquire, the Petitioner, appeared at the bar.

Mr. Speaker called upon the sitting member, his counsel or agent, to appear.

Mr. Webster, sitting member for the said county of Halton, appeared in his place, in his own behalf.

Mr. Durand, the Petitioner, presented a list of witnesses in his own case, which was read by the clerk, as follows:--

A LIST OF WITNESSES,

Required on the part of the Petitioner, JAMES DURAND, Esquire, viz.:--

Felix Fortier, Esquire, Clerk of the Crown in Chancery, with Writ of Election for the West Riding of Halton, with Poll Books, &c., Montreal.

NAMES.

RESIDENCE.

1 John Detwheler,

Township of Dumfries.

2	Benjamin Holman,	(Yeoman)	do	do
3	Samuel Lemington,	do	do	do
4	Henry Hawley,	do	do	do
5	Hosea Hoog,	do	do	do
6	John McKenzie,	do	do	do
7	Stephen Wells,	do	do	do
8	Johathan Thomas,	do	do	do
9	Balden Copeman,	do	do	do
10	John Halman,	do	do	do
11	Angus Stewart,	do	do	do
12	Robert Whyllie,	(Merchant)	do	do
13	Samuel Heath,	(Yeoman)	do	do
14	James Keachie,	do	do	do
15	Daniel McArthur,	do	do	do
16	James C. Longan,	do	do	do
17	William Keachie	do	do	do
18	Alexander Buchanan,	do	do	do
19	Michael Charlston,	do	do	do
20	Hiram Capron,	Esquire,	do	do
21	Windel B. Bowman,	do	do	do
22	Walter K. Burn,	(Shoemaker)	do	do
23	Adam Ainsley,	(Attorney)	do	Galt.
24	Andrew Geddes,	(Yeoman)	do	do
25	Andrew M'Ilroy,	(Blacksmith)	do	do
26	Absalom Shade,	Esquire,	do	do
27	William Dickson,	do	do	do
28	Adam Kerr,	(Yeoman)	do	do
29	Andrew Elliott,	Esquire,	do	do
30	Malcolm Stewart,	(Yeoman)	do	do
31	Nathan Howell,	do	do	do
32	John Smith,	Esquire,	do	do
33	Thos. W. Coleman	(Merchant)	do	Paris.
34	Thomas Coleman,	Esquire,	do	do
35	Nathaniel Wilsie,	(Yeoman)	do	do
36	David Potter,	do	do	do
37	George Stanton,	do	do	St. George.
38	John Young,	(Innkeeper)	do	do
39	William P. Gibson	(Shoemaker)	do	do
40	J. K. Andrews,	(Merchant)	do	Galt.
41	David Gibson	do	do	do
42	Alex. B. Goodon,	do	do	do
43	John Smith, (English)	do	do	Dumfries.
44	Thomas Rich,	Gent.	do	Galt.
45	Thomas G. Chapman,	do	do	do
46	James B. Ewart,	Esquire,	do	Dundas.
47	Robert Miller,	(Surgeon)	do	Dumfries, Galt.
48	Michael Turnbull,	(Yeoman)	do	Dumfries.
49	Stephen Moffatt,	do	do	do
50	Jacob Bechtel,	do	do	do

51	Henry Clemens,	do	do	do
52	John Bricker, jun.,	do	do	do
53	Charles Kitchen,	do	do	do
54	Henry Kitchen,	do	do	do
55	James Kitchen,	do	do	do
56	Isaac Howell,	do	do	do
57	Sampson Howell,	do	do	do
58	John Bray,	do	do	do
59	James Frasier,	do	do	do
60	James Geddes,	do	do	do
61	Walter Gowinback,	do	do	Dumfries, Galt.
62	David Ellis,	do	do	Dumfries.
63	Hugh Fenlogum,	(Saddler), (Yeoman)	do	Dumfries, Paris.
64	James Sharp,	(Yeoman)	do	Dumfries.
65	Daniel O'Neil,	do	do	do
66	John Hall,	do	do	do
67	Hugh Hunter,	do	do	do
68	John Miller,	(Attorney)	do	do
69	James Todd,	(Blacksmith)	do	Dawson Bridge.
70	Daniel Anderson,	(Yeoman)	do	Dumfries.
71	Robert Ballingall,	do	do	do
72	Dougald M'Call,	do	do	do
73	Adam Turnbull,	do	do	do
74	David Buchan,	(R. Officer)	do	do
75	Jonathan Wait,	(Yeoman)	do	do
76	Carlton Smith,	do	do	do
77	Donald M'Keond,	(Poll Clerk)	do	do
78	David Christie,	Gent.	do	do
79	Charles Anderson,	(Yeoman)	do	do
80	Daniel Fraser,	do	do	do
81	Daniel McPherson,	do	do	do
82	Wm. Ellis,	(R. Officer)	do	Waterloo.
83	John Herle,	(Poll Clerk)	do	do
84	James Cowan,	Esquire,	do	do
85	George Clemens,	Esquire,	do	do
86	Samuel B. Bowman,	(Surveyor)	do	do
87	Jonathan B. Bowman,	(Yeoman)	do	do
88	Samuel Brickers, sen.,	do	do	do
89	Jacob Sleightstin,	(Merchant)	do	do
90	Christian Enslin,	Esquire,	do	do
91	Thomas Sparrow,		do	do
92	Jacob S. Shoemaker,		do	do
93	Isaac Shinty,		do	do
94	Peter Erb, sen.,		do	do
95	Eleas Snider,	(Miller)	do	do
96	David S. Shoemaker,	(Merchant)	do	Waterloo, Bridge P.
97	John S. Roat,	(Saddler)	do	Waterloo, Berlin.
98	Barnabas Devitt,	(Yeoman)	do	Waterloo.
99	Benjamin Ely,	do	do	do

100	Henry Snider,	do	do	do
101	Joseph Martin,	do	do	do
102	Joel Good,	(Surveyor)	do	do
103	Adam Argo,	(Merchant)	do	do
104	Joseph Shantz,	(Yeoman)	do	do
105	John U. Syson,	do	do	do
106	Dr. Scott,	do	do	Waterloo, Berlin.
107	Adam Ferrie,	(Merchant)	do	Waterloo.
108	James Phinn,	Esquire	do	do
109	William Henry,	(Yeoman)	do	do
110	Jacob Thomas,	do	do	do
111	George Davidson,	(Merchant)	do	Waterloo, Berlin
112	William Jardin,	do	do	Waterloo.
113	Otto Cloty,	(Innkeeper)	do	Waterloo, Preston.
114	Charles H. Arent,	(Renter)	do	Waterloo.
115	L. Bechtal,	(Yeoman)	do	do
116	Jacob Shantz,	do	do	do
117	John Guggesbury,	(Innkeeper)	do	do
118	Henry Bechtal,	(Miller)	do	do
119	John Bechtal,	(Merchant)	do	do
120	Jacob Rose,	(Prestar)	do	do
121	Joseph Cush,	(Yeoman)	do	do
122	Henry Wessman,	do	do	do
123	John Brubacker,	do	do	do
124	Henry M'Nelly,	do	do	do
125	Christian Shantz,	do	do	do
126	John Rose,	do	do	do
127	Colin C. Ferrie,	Esquire,	do	Hamilton.
(77)				
128	John Wettenhall,	(Warden)	do	Nelson.
129	Benjamin Overfield,		do	Dundas.
130	Barnam Collins,		do	do
131	Harmanus Smith,	Esq., M.P.P.,	do	Barton.
132	William Miller,	do	do	West Flamboro'.
133	Jacob Knapp,	(Yeoman)	do	Wilmot.
134	Peter Wilher,	do	do	do
135	Adam Taylor,	do	do	do
136	John Smith,	do	do	do
137	Jacob Stabber,	do	do	do
138	Anthony Martin,	do	do	do
139	George Wise,	do	do	do
140	George Fry,	do	do	do
141	John Morgen,	do	do	do
142	John Lagenbill,	do	do	do
143	Christian Geoslar,	do	do	do
144	Christian Bussant,	do	do	do
145	Adam Slipp,	do	do	do
146	George Smith,	do	do	do

147	Joseph Jacob,	do	do	do
148	George Zielzie,	do	do	do
149	John Hamaker,	do	do	do
150	Amos Cressman,	do	do	do
151	Jacob S. Grayrich	do	do	do
152	John Erb,	do	do	do
153	Christian Erb,	do	do	do
154	Peter S. Gingrich,	do	do	do
155	Jacob Widtman,	do	do	do
156	Philip Leirhont,	do	do	do
157	George Groff,	do	do	do
158	John Mayer,	do	do	do
159	Peter Bricker,	do	do	do
160	Balthaser Moya,	do	do	do
161	J. R. Smith,	do	do	do
162	Jacob Learhost,	do	do	do
163	Michael Myers,	do	do	do
164	Wm. Puddicombe,	(R. Officer)	do	do
165	John Ernest,	(Poll Clerk)	do	do
166	Titus G. Neville,		do	do
167	William Scott,	(Miller)	do	do
168	George Masters,		do	do
169	David Snider,		do	Waterloo.
170	John Masters,	(Yeoman)	do	Wilmot.
171	David Miller,	do	do	do
172	Samuel Shontz,	do	do	Waterloo.
173	John Summerville,	do	do	Wilmot.
174	Isaac Masser,	do	do	do
175	Joseph Noffziger,	do	do	do
176	Hugh Jackson,	do	do	do
177	Caspar Campbell,	do	do	do
178	Peter Sommer,	do	do	do
179	Blaze Swantz,	do	do	do
180	John Brenema,	do	do	do
181	Jacob Grey Bill,	do	do	do
182	John Stouffin,	do	do	do
183	John Hamaker,	do	do	do
184	Thomas Johnson,	do	do	do
185	John Johnston,	do	do	do
186	Charles Allen,	(R. Officer)	do	Woolwich.
187	John Foote,	(Clerk)	do	do
188	John Mayer,		do	do
189	James Argo,		do	do
190	Elisha Hewett,		do	do
191	Michael Strebil,		do	do
192	Isaac Winyer,		do	do
193	William Reynolds,		do	do
194	George Halinyer,		do	do

195	William Buist	(R. Officer)	do	Nichol.
196	James McQueen,	(Clerk)	do	do
197	George Baner,		do	do
198	Alexander Watt,		do	do
199	John Mortin,		do	do
200	James Moir,		do	do
201	Thomas Gray,		do	do
202	Joseph Wood,		do	do
203	Felix McGunn,		do	do
204	John Keith,		do	do
205	John Beattie,		do	do
206	William Beattie, jun.,		do	do
207	James Middleton,		do	do
208	Alex. D. Fordyce,	Esquire,	do	do
209	Alex. D. Fordyce, jun.,		do	do
210	Jasper T. Gilkenson,		do	Hamilton.
211	Samuel Owen,		do	Nichol.
212	Peter M'Clorra,		do	do
213	William Mutch,	(R. Officer)	do	Garrafraxa.
214	Warden W. Shane,	(Clerk)	do	do
215	Areal S. D. Vrooman,		do	do
216	James Vrooman,		do	do
217	John M'Kee,		do	do
218	Samuel M'Kee,		do	do
219	John Dublin,		do	do
220	---- Morden,	Lot 18, 2d con.	do	do
221	---- Green,	" 16, 3d "	do	do
222	R. Mitchell,	(Surveyor)	do	do
223	William How,		do	Erin.
224	Henry Couse,		do	Garrafraxa
225	John Wilkie,		do	do
226	Thomas Webster,		do	do
227	Andrew Ginie,		do	do
228	George Keys,		do	do
229	William Canon,		do	do
230	Alexander Drysdale,		do	do
231	Alexander Linderman,		do	Guelph.
232	John Harland,		do	do
233	David Allan,		do	do
234	William Allan,		do	do
235	Robert Alling,		do	do
236	William Thompson,		do	do
237	Robert Armstrong,		do	do
238	Thomas Woods, jun.,		do	do
239	Hezekiah J. Hall,		do	do
240	William Clark,	(Physician)	do	do
241	James Bates,		do	do
242	Charles J. Mickle,	Esquire	do	do
243	Charles Mickle,	Gent.	do	do

244	Thomas Hefferman,	Merchant,	do	do
245	John C. Wilson,		do	do
246	Henry Orton,	(Physician)	do	do
247	---- Hoggest,	(Ins'r of Licenses)	do	do
248	William Wilson		do	do
249	James Wilson,		do	do
250	R. F. Budd,	Esquire,	do	do
251	James Oliver,	(Brewer)	do	do
252	Jeffry Lynch,	(Innkeeper)	do	do
253	Benjamin Thirtell,	Esquire,	do	do
254	Thomas Sandiland,	(R. Officer)	do	do
255	Alfred Baker,	(Clerk)	do	do
256	Andrew Quarry,	do	do	do
257	George Tunley,	do	do	do
258	Thomas Saunders,		do	do
259	John Thorp,		do	do
260	George John Gronge,	(Sheriff)	do	do
261	Adam J. Ferguson,	(Judge)	do	do
262	Alex. D. Ferrier,	(R. Officer)	do	Eramosa.
263	John Moore,	(Clerk)	do	do
264	James Peters,		do	do
265	Thomas Armstrong,		do	do
266	Henry Duffield,		do	do
267	William Armstrong,		do	do
268	Joseph Parkman,	Esquire,	do	do
269	James Benham,		do	do
270	Robert Scott,		do	do
271	William Tolton,		do	do
272	Levi Hill,		do	do
273	James Hill,		do	do
274	William Hamilton,		do	do
275	Robert Ramsey,		do	do
276	Walter Blanchfield,		do	do
277	Alex. Stewart,		do	do
278	John Higginson,	(R. Officer)	do	Puslinch.
279	John Hammersley,	(Clerk)	do	do
280	John M'Farlane,	(Merchant)	do	do
281	James Starten,		do	do
282	Edward Yeomans,		do	do
283	Conrad Swatzenberg,		do	do
284	John Sarcast		do	do
285	R. W. Kerr,	(Surveyor)	do	do
286	H. W. Peterson,	(Registrar)	do	Guelph.
287	Deputy Registrar,		do	do
288	Thomas Racey,	(Registrar)	do	Dundas.
289	Deputy Registrar,	Halton	do	do

(78)

NAMES.		RESIDENCE.
1 Elizabeth Wood,	(Widow)	Nichol.
2 Mrs. Thos. Hinds,	do	Waterloo.
3 Mrs. P. Lamb,	do	Guelph.
4 Mrs. Hawley Williams,	do	do
5 Mrs. E. Worsley,	do	do
6 Sarah McWilliams,	do	Fuslinch.
7 Robert Keys,		Amaranth.
8 Patrick Charlton,		do
9 Nelson Hughson,		do
10 Alexander Hughen,		do
11 Frederick Keys,		do
12 William Cannon,		do

JAMES DURAND.

Montreal, 16th December 1844.

Mr. Webster handed in a list of the witnesses required in behalf of himself, as the sitting Member for the country of Halton, which was also read by the Clerk, as follows:--

LIST OF WITNESSES

In behalf of JAMES WEBSTER, Esquire, Sitting Member for the West Riding of the County of Halton. :--

NAMES.	RESIDENCE.
1 James Phin	Township of Waterloo.
2 Charles Crossan	do do
3 James Ellis	do do
4 William Henry	do do
5 David J. Miller	do do
6 William Tarbox	do do
7 Robert Hazeltine	do do
8 William Ellis	do do
9 Octavius C. Segrin	do do
10 Thomas Sparrow	do do
11 John Vance	do do
12 John Shenington	do do
13 George Davidson	do do
14 Jacob Bowman	do do
15 John Thompson	do do
16 William Benton	do do
17 David Ellis	do do

18	William Jardine	Township of Waterloo.	
19	William Dolman	do	do
20	Stephen Washburn	do	do
21	James Markham	do	do
22	Christian Huffman	do	do
23	Gerphard Wider	do	do
24	Archibald Vance	do	do
25	Patrick Butler	do	do
26	Robinson Bulmer	do	do
27	John N. Tyson	do	do
28	James A. Smith	do	do
29	Richard Ferguson	do	do
30	Jacob Hesplar	do	do
31	Andrew Ferguson	do	do
32	Joseph Cook	do	do
33	Gerhard Wheeler	do	do
34	Michael Bergey	do	do
35	Abraham Pennybaker	do	do
36	William M'Kersey	do	do
37	Fenner Smith	do	do
38	Jacob Miller, sen.	do	do
39	William Ellis, sen.	do	do
40	Dr. Scott	do	do
41	William Thompson	Township of Guelph.	
42	John Combe Wilson	do	do
43	John Thorpe	do	do
44	John Harland	do	do
45	David Allan	do	do
46	Robert Corbet	do	do
47	Richard Greet	do	do
48	William Allan	do	do
49	William Hewat	do	do
50	Thomas Rees Brock	do	do
51	William Armstrong	do	do
52	Edward Francis Hemming	do	do
53	Robert Martin	do	do
54	Richard Jackson	do	do
55	James Williamson	do	do
56	Thomas Saunders	do	do
57	Alfred Alexander Baker	do	do
58	James Wright	do	do
59	William Richardson	do	do
60	James Halliday	do	do
61	Bernard M'Tagae, sen.	do	do
62	John Thomas Cunningham	do	do
63	Alexander Wight Blyth	do	do
64	Thomas Card	do	do
65	William Alexander	do	do
66	William Wilson	do	do

		Township	of	Guelph.
67	Andrew Quarry	do		do
68	George John Grange	do		do
69	William Logan	do		do
70	William Henry Barker	do		do
71	James Lynd	do		do
72	Robert Pattison	do		do
73	Isaac Newton	do		do
74	William Porter	do		do
75	Charles Ambrose, sen.	do		do
76	Andrew Ritchie	do		do
77	Robert Moffatt Henderson	do		do
78	Robert Moffatt Richardson	do		do
79	Samuel Moore	do		do
80	John Green	do		do
81	James Wilson	do		do
82	Philip Stronger	do		do
83	William Jones	do		do
84	Geffry Lynch	do		do
85	William Richardson	do		do
86	Hendry Richardson	do		do
87	George Frederick Harvey	do		do
88	Robert Williamson	do		do
89	Robert Oliver, sen.	do		do
90	Richard Dales	do		do
91	James Mayes, sen.	do		do
92	Thomas Hansliss George	do		do
93	Frederick George	do		do
94	James Keough	do		do
95	John Walker	do		do
96	Henry Hurd	do		do
97	John Clements	do		do
98	Walter King	do		do
99	Edward M'Ellistram	do		do
100	Robert Orr	do		do
101	John Lynch	do		do
102	Thomas Jones	do		do
103	Joseph Cooke	do		do
104	Alexander M'Intosh	do		do
105	Edward Thompson	do		do
106	Samuel Wright	do		do
107	Thomas Keating	do		do
108	John Shertreed	do		do
109	George Shertreed	do		do
110	Thomas Lindsay	do		do
111	Jonathan Green	do		do
112	James Wilson	do		do
113	William Wilson	do		do
114	John Hamilton	do		do
115	Joseph Jackson	do		do

	Township	of	Guelph.
116	John Manderson		
117	Samuel Wilson	do	do
118	John Mitchell	do	do
119	John Neeve	do	do
120	James Cain	do	do
121	Thomas Orr	do	do
122	William Dyson	do	do
123	Joseph Dyson	do	do
124	Alex. M'Donald	do	do
125	George Davis, jun.	do	do
126	Robert Smith	do	do
127	Richard Ainly	do	do
128	William Crow	do	do
129	Archibald M'Corkindale	do	do
130	James Henry Starnard	do	do
131	Hugh M'Culloch	do	do
132	George Whiteside	do	do
133	John Day	do	do
134	William Day	do	do
135	George Norris	do	do
136	Robert Lenox	do	do
137	William M'Ewan	do	do
138	Samuel M'Ewan	do	do
139	John Arnold Sanders	do	do
140	Henry Watson	do	do
141	Alexander Brown	do	do
142	Edward Muston	do	do
143	John Mitchell	do	do
144	Richard Jones	do	do
145	William Clark	do	do
146	Andrew M'Crea	do	do
147	James Corbet, senior	do	do
148	James Gay	do	do
149	Robert Alling	do	do
150	John Tevel	do	do
151	James Tevel	do	do
152	Robert Day	do	do
153	Stephen James Muston	do	do
154	Francis Marriotte	do	do
155	James Davie	do	do
156	Robert Hadden	do	do
157	Stephen Piper	do	do
158	William Nichols	do	do
159	Thomas Nicholas	do	do
160	John Inglis	do	do
161	Thomas Kelly	do	do
162	Nathaniel Croft	do	do
163	William Hiscock	do	do
164	John Caulfield	do	do

165	Robert Dunbar	Township	of	Guelph.
166	William Moore Elworthy	do		do
167	John Hinds, senior	do		do
(79)				
168	Thomas Hinds, junior	do		do
169	John Campbell	do		do
170	John Oliver	do		do
171	Henry Haggard Oliver	do		do
172	William Bridget	do		do
173	Francis Hinds	do		do
174	Henry John Oliver	do		do
175	Alexander M'Intosh	do		do
176	Robert Oliver	do		do
177	John Harold	do		do
178	Henry Orton	do		do
179	John Lesslie	do		do
180	Joseph Hardie	do		do
181	John M'Intosh	do		do
182	John Howitt	do		do
183	James Nevilles	do		do
184	Jeremiah Hutchesson	do		do
185	Frederick Murberry	do		do
186	Gideon Hood	do		do
187	H. W. Peterson	do		do
188	James Hodgert	do		do
189	Thomas Sandilands	do		do
190	Thomas Racy	Dundas, Gore District.		
191	James Asken	Sandwich, Western District.		
192	William Jones	Chatham, Western District.		
193	Charles Stuart	Kingston.		
194	Allan M'Lean	do		
195	Mahlon Burwell	Port Burwell.		
196	John Davidson	Township of Woolwich.		
197	James Argo	do		do
198	William Reynolds	do		do
199	John Thring	do		do
200	James Davidson	do		do
201	Robert Smith	do		do
202	William Mann	do		do
203	James Airth	do		do
204	Donald Wallace	do		do
205	John Miller	Township of Wilmot.		
206	Henry Puddicombe	do		do
207	David Miller	do		do
208	William Hobson	do		do
209	Christopher Foster	do		do
210	William Wallace	do		do
211	Harrison Stevens	do		do

212	John Sidney Smith	Township	of	Wilmot.
213	Thomas Johnson	do		do
214	John Johnson	do		do
215	Francis Collins	do		do
216	John Sommerville	do		do
217	John Hwieth	do		do
218	James Browne	do		do
219	George Smith	do		do
220	James Reven	do		do
221	Jacob Greybel	do		do
222	Thomas Allchin	do		do
223	William Puddicombe	do		do
224	John Ernst	do		do
225	William Scott	do		do
226	Andrew Geddes	Town	of	Hamilton.
227	James Geddes	do		do
228	James Paton Clarke	do		do
229	George Gray	Township	of	Nichol.
230	David Allan	do		do
231	Hugh Black	do		do
232	James Walker	do		do
233	William Mowhead	do		do
234	Thomas M Quaker	do		do
235	John Foote	do		do
236	Jasper J. Gilkison	Town	of	Hamilton.
237	Peter M'Laren	Township	of	Nichol.
238	James Mutch	do		do
239	James M'Queen	do		do
240	George Hamilton	do		do
241	Alex. Cowie	do		do
242	James Hatcher	do		do
243	Archd. Cummings	do		do
244	Samuel Broadfoot	do		do
245	Charles Allan	do		do
246	Robert Scott	do		do
247	Joseph Wedderburn	do		do
248	Thomas W. Valentine	do		do
249	William Beattie	do		do
250	Charles Michie	do		do
251	Felin M'Ginn	do		do
252	Bartholomew O'Connor	do		do
253	Francis Maitland	do		do
254	George Elmslie	do		do
255	Robert Garvin	do		do
256	John Valentine	do		do
257	Robert Scott, jun.	do		do
258	Andrew Grant	do		do
259	David Henderson	do		do
260	Francis Headley	do		do

261	Alex. M'Gladdery	Township	of	Nichol.
262	Edward Thomas Day	do		do
263	Alexander David Ferrier	do		do
264	James Perry	do		do
265	James Hearle	Township	of	Dumfries.
266	Thomas Rich	do		do
267	Thomas G. Chapman	do		do
268	James Bell Ewart	do		do
269	William Dickson, jun.	do		do
270	Absalom Shade	do		do
271	James K. Andrews	do		do
272	John Smith	do		do
273	George Stanton	do		do
274	Robert Ballingal	do		do
275	Simon Smith	do		do
276	David Buchan	do		do
277	Adam Ainslie	do		do
278	David Shiel	do		do
279	Robert Miller	do		do
280	Robert Wallace	do		do
281	James Kerr	Township	of	Eretnosa.
282	Alexander Moore	do		do
283	James Forster	do		do
284	John M'Carley	do		do
285	John Kennedy	do		do
286	Thomas Armstrong	do		do
287	George Armstrong	do		do
288	Alex. M'Queen	do		do
289	William Oliphant	do		do
290	David Oliphant	do		do
291	John Harris	do		do
292	John Moore	do		do
293	Henry Strange	do		do
294	Thomas Barns	do		do
295	Henry Smith	do		do
296	Levi Hill	do		do
297	George Sockett	do		do
298	David Day	do		do
299	William Smith, jun.	do		do
300	John Blakely	do		do
301	Aaron Abbott	do		do
302	John M'Kee	Township	of	Garrafraxa.
303	William Mutch	do		do
304	Warden W. Shand	do		do
305	John Wilkie	do		do
306	Francis Esson	do		do
307	Robert Nichol	do		do
308	Arent S.D. Vrooman	do		do
309	Isaac Woolner	do		do

310	James Rose	Township of Garrafraxa.	
311	Alexander Drysdale	do	do
312	Alexander Burr	do	do
313	Andrew Gerrie	do	do
314	John Craig	do	do
315	Jesse Meridith	do	do
316	John Strachan	do	do
317	Archibald M'Mullan	do	do
318	David Black	do	do
319	James M'Meeking	Township of Puslinch.	
320	R. W. Kerr	do	do
321	Thomas M'Bride	do	do
322	Thomas Arkill	do	do
323	John Oulten	do	do
324	James Carter	do	do
325	James Hewar	do	do
326	Archibald M'Kellar	do	do
327	Duncan M'Kellar	do	do
328	Morgan Cussen	do	do
329	William Graham	do	do
330	F. W. Stone	do	do
331	John Hammersly	do	do
332	James Terry	do	do
333	William Lesslie	do	do
334	John Dickson	do	do
335	John Higginson	do	do
336	Adam Wear	do	do

JAMES WEBSTER.

Mr. Speaker then desired the Sergeant-at-Arms to lock the doors.

And the doors being locked accordingly, and the Order of the Day for taking the said Petition into consideration being read; the attestation of Mr. Speaker was taken from off the box, in which, agreeably to the statute, the names of all the Members of the House were sealed up, and the same was read by the Clerk, as follows:--

I attest that this box was, on Tuesday, the seventeenth day of December, 1844, made up in my presence, in the manner directed by an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, intituled, "An Act to repeal an Act passed in the forty-fifth year of His late Majesty's Reign, intituled, An Act to regulate the trial of controverted Elections, or returns of Members to serve in the House of Assembly, and to make more effectual provision for such trials."

ALLAN N. MACNAB,
Speaker.

(80)

The box was then opened, and the attestation of the Clerk was taken out of the box, and read by him, as follows:--

I attest that I did, on Tuesday, the seventeenth day of December, 1844, in the presence of the Speaker of this House, put into a box, in which this attestation is found, the names of all the Members composing the present Legislative Assembly, written upon slips of parchment, and rolled up as directed by an Act passed in the fourth year of the Reign of His late Majesty King George the Fourth, intituled, "An Act to repeal an Act passed in the forty-fifth year of His late Majesty's Reign, intituled, An Act to regulate the trial of controverted Elections, or returns of Members to serve in the House of Assembly, and to make more effectual provision for such trials."

W. B. LINDSAY,
Clerk of Assembly.

The names of all the Members were taken out of the box, and put into three other boxes.

The drawing of the names were then proceeded in, in the usual manner, and the following names were drawn, to which no objection was taken:--

1 <u>Petrie,</u>	13 <u>Robinson,</u>
2 <u>Lawrason,</u>	14 <u>Lacoste,</u>
3 <u>Smith,</u> of FRONTENAC	15 <u>Aylwin,</u>
4 <u>Macdonald,</u> of GLENGARRY,	16 <u>Murney,</u>
5 <u>Johnston,</u>	17 <u>M'Connell,</u>
6 <u>Macdonald,</u> of KINGSTON,	18 <u>Chabot,</u>
7 <u>Armstrong,</u>	19 <u>Price,</u>
8 <u>Gowan,</u>	20 <u>Macdonell,</u> of DUNDAS,
9 <u>Seymour,</u>	21 <u>Lantier,</u>
10 <u>Williams,</u>	22 <u>Cauchon,</u>
11 <u>Chalmers,</u>	23 <u>Christie.</u>
12 <u>Thompson,</u>	

Twelve other names were drawn and set aside, or excused, as follow:--

Three against whom Petitions are pending.

Nine names were also drawn of members who were absent.

Mr. Prince was chosen nominee for the petitioner.

Mr. Duggan was chosen nominee for the sitting Member.

At twenty minutes to five o'clock, P.M., the parties, with Alfred

Patrick, Esquire, Clerk to the Select Committee, retired for the purpose of striking the said Committee.

At five o'clock, P.M., the Clerk of the Select Committee, delivered to the Clerk of the House, a list containing the names of nine members unstruck, composing the Select Committee, which is as follows:--

1	<u>Petrie</u> ,	6	<u>Lacoste</u> ,
2	<u>Seymour</u> ,	7	<u>M'Connell</u> ,
3	<u>Williams</u> ,	8	<u>Chabot</u> ,
4	<u>Chalmers</u> ,	9	<u>Lantier</u> .
5	<u>Robinson</u> ,		

Nominee for the Petitioner, Mr. Prince.

Nominee for the Sitting Member, Mr. Duggan.

ALFRED PATRICK,
Clerk to the Committee.

The said nine Members and the Nominees were then severally sworn at the table, by the Clerk, in the usual manner.

On motion of the Honourable Mr. Solicitor General Sherwood, seconded by Mr. Prince.

Ordered, That the Select Committee appointed to try the Petition of James Durand, Esquire, of Dundas, in the county of Halton, in the Gore district, complaining of the undue election and return of James Webster, Esquire, do meet in the Committee Room No. 3, of this House, to-morrow, at eleven o'clock, A.M.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

MR. SPEAKER,

The Legislative Council have passed the following Bills, without any amendment:--

Duty on Stills.

An Act to amend the Laws now in force imposing duty upon Distilleries in any part of the Province of Canada.

Montgomery Estate.

An Act to vest in John Montgomery and Thomas Ewart the property forfeited to the Crown by the attainder of the said John Montgomery.

And then he withdrew.

On motion of the Honourable Mr. Morin, seconded by Mr. Thompson,

Lincoln con-
tested Election.

Resolved, That the Petition of Samuel Wood and others, electors of the North Riding of the county of Lincoln, district of Niagara, complaining of the undue election and return of William Hamilton Merritt, Esquire, be taken into consideration on Thursday, the ninth day of January next, at four o'clock, P.M., in lieu of Thursday the nineteenth instant, as before appointed by this House.

Provincial
Penitentiary.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, presented, pursuant to the Provincial Act 4 William IV., chapter 37, the Annual Report of the Provincial Penitentiary for 1844.

(For the said Report see Appendix M.)

Petitions
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Prince, the Petition of Robert Defries, Post Office Carrier to the Legislative Assembly.

By the Honourable Mr. Morin, the Petition of Antoine C. Taschereau, Esquire, of the parish of Deschambault, in the county of Portneuf; and the Petition of George O'Keefe, of the city of Montreal.

By Mr. LeMoine, the Petition of Mrs. Monique S. Boucher, and other Ladies, members of the charitable Institution called "Maison de la Providence," in the parish of La Prairie de la Magdeleine.

By Mr. Powell, the Petition of the officers and members of the Talbot district Agricultural Society.

By the Honourable Mr. DeBleury, the Petition of Etienne Guy, Returning Officer for the last election for the county of Montreal; and the Petition of William O'Brien and others, tavern-keepers of the city of Montreal.

By Mr. Cameron, the Petition of the Municipal Council of the district of Bathurst, (relating to a road.)

By Mr. Chauveau, the Petition of Augustin Dodier and others, inhabitants of the parish of Beauport, in the county of Quebec.

By the Honourable Mr. Moffatt, the Petition of the Honourable James

Reid and others, inhabitants of the city of Montreal; and the Petition of David Torrance and others, Directors of the High School of Montreal.

By Mr. Ermatinger, the Petition of Henry B. Bostwick, of the village of Port Stanley, in the district of London.

By the Honourable Mr. Aylwin, the Petition of A. Campbell, Junior, and others, Law Students of the city of Quebec; and the Petition of the Reverend H. Esson and others, clergy and citizens of Montreal.

(81)

Heir and Devisee Act.

An engrossed Bill to repeal certain Acts therein mentioned, and to make better provision for the relief of parties claiming lands in Upper Canada, for which no patent hath issued, as representing the original nominees of the Crown, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Solicitor General Sherwood do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the Day, the following Petitions were read:--

Of L. G. Delorimier and others, clerks of the Circuit Courts of Lower Canada, praying for certain amendments to the Act establishing Circuit Courts, and that Quarter Sessions be held in each Circuit.

Of James Miller and others, late School Commissioners for the township of Sarnia, praying that a certain amount paid by them for the erection of a School House in the said township, may be reimbursed to them.

Of John R. Gemmill, of the town of Lanark, in the district of Bathurst, representing that his late father received a grant of land as a Presbyterian Minister in 1821, which he was afterwards informed he had forfeited in consequence of his not having located the same, and praying relief.

Of the Municipal Council of the district of Bathurst, praying that provision be made for educating School Teachers, in King's College or other Seminary, and that all religious denominations shall equally participate therein without distinction.

Of Aliel Stiles and others, inhabitants of Granby, praying that the charter of McGill College at Montreal may be amended, and that the management of King's College at Toronto may be placed upon a satisfactory basis.

Of David Gibbs and others, inhabitants of Russeltown and vicinity, praying that the charter of McGill College at Montreal may be amended, and

that the management of King's College at Toronto, may be placed upon a satisfactory basis.

Of the Reverend John M'Intyre and others, members of the United Church of England and Ireland, in the township of Orillia and vicinity, in the diocese of Toronto, praying for the passing of an Act to assign to the Church of England, such share of the Clergy Reserve Lands as will correspond with their share of the funds arising from the same; and to authorize the Church Society of the diocese of Toronto, to propose a system for the management of the said Lands.

Of Ephraim Webster and others, inhabitants of Gananoque, Leeds and Landsdown, praying for the survey and improvement of the Gananoque and Wiltsie waters, so as to render the same navigable.

Of M.T. O'Beirne and others, Catholics of the city of Toronto, praying that the Common School Act may be amended, so as to allow them a just proportion of the School moneys.

Of P.E. Mignault and others, inhabitants of the county of Yamaska, praying that the place of the Registry Office for the said county, may be changed, so as to be more central.

Of the Corporation of the College of St. Hyacinthe, praying that more ample aid than heretofore may be granted them in consideration of the urgent necessity of their case.

Of Henry Burritt and others, inhabitants of the district of Johnstown, praying that an Act may be passed to protect mill owners from vexatious and ruinous law suits, under certain circumstances.

Of the Mayor, Aldermen, and Citizens, of the city of Montreal, praying for certain amendments to the Ordinances incorporating the said city.

Petitions
referred.

Reverend
R. Neyron.

Resolved, That the Petition of the Reverend Raphael Neyron, Curé of St. Benoit, be referred to a Select Committee, composed of the Honourable Mr. LaFontaine, the Honourable Mr. Papineau, the Honourable Mr. Morin, Mr. Scott, Mr. Prince, Mr. Leslie and Mr. Taché, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

J.B. Richer,
senior.

Ordered, That the Petition of Jean Baptiste Ficher, Senior, and others, inhabitants of the parish of St. Benoit, in the district of Montreal, be referred to the said Committee.

C.J. Ducharme.

Resolved, That the Petition of the Reverend Charles

J. Ducharme, of the parish of Ste. Thérèse de Blainville, in the county of Terrebonne, be referred to a Select Committee, composed of the Honourable Mr. LaFontaine, the Honourable Mr. Daly, Mr. Christie, Mr. Berthelot, and Mr. Jobin, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

J. Laurin
Esquire. Ordered, That the Petition of Joseph Laurin, Esquire, and others, inhabitants of the St. John and St. Roch's Suburbs, of the city of Quebec be referred to the Select Committee to which was referred the Petition of Edward Glackemeyer, Esquire, acting Mayor of the Corporation of the city of Quebec.

J. Glen
and others. Ordered, That the Petition of John Glen and others, trustees of the Longueuil and Chambly turnpike road, be referred to the Select Committee to which was referred the Petition of M.F. Valois and others, inhabitants of Lachine and other parishes.

Prince Tobey,
P.E. Adams,
A.E. Cadwell. Ordered, That the Petition of Prince Tobey, of the town of Cornwall; the Petition of Pierpoint E. Adams, of the town of Cornwall, in the Eastern district, baker; and the Petition of Austin E. Cadwell, of the town of Cornwall, in the Eastern district, be referred to the Select Committee to which was referred the Bill to revive and continue for a limited time, part of the fourth clause of an Act passed in the fourth and fifth years of the reign of Her Majesty, Queen Victoria, intituled, "An Act to secure to and confer upon certain inhabitants of this Province the Civil and Political rights of natural born British subjects."

A. Dorval
and others. Ordered, That the Petition of Alexis Dorval and others, licensed cullers of Quebec, be referred to the Select Committee to which was referred the Petition of John F. Waterson and others, licensed deal cullers of the city of Quebec, and other references.

E. Webster
and others. Resolved, That the Petition of Ephraim Webster and others, inhabitants of Gananoque, Leeds and Lansdown, be referred to a Select Committee, composed of Mr. Gowen, Mr. Smith of Frontenac, Mr. Macdonald of Kingston, and Mr. Jessup, to examine the contents thereof, and to report thereon with all convenient speed, by address or otherwise; with power to send for persons, papers, and records.

(82)

J. Donaldson
and others. Ordered, That the Petition of John Donaldson and others, inhabitants of the county of Haldimand, be referred to the Select Committee to which were referred the Petition of Daniel Hoover and others, inhabitants of

the county of Haldimand; the Petition of James A. Applebee and others, inhabitants of the county of Haldimand; and the Petition of Robert F. Cooke and others, inhabitants of the county of Haldimand, and other references.

Birth of Prince.

The Honourable Mr. Attorney General Smith, from the Select Committee appointed for preparing an humble Address to be presented to Her Majesty, offering to Her Majesty the cordial congratulations of this House on the Birth of another Prince, and a similar Address to be presented to His Royal Highness Prince Albert, presented to the House the Addresses prepared by the said Committee, which Addresses were again severally read at the Clerk's table, and agreed to by the House, and are as followeth:--

To the Queen's Most Excellency Majesty.

MOST GRACIOUS SOVEREIGN:

We, Your Majesty's dutiful and loyal subjects, the Commons of Canada, in Provincial Parliament assembled, most humbly beg leave to tender to Your Majesty our cordial congratulations on the Birth of another Prince; an event in which We sincerely rejoice, not only as conducive to the domestic happiness of Your Majesty and Your August Consort, but as deeply interesting to all parts of Your Majesty's dominions.

To His Royal Highness Prince ALBERT FRANCIS AUGUSTUS CHARLES EMANUEL of SAXE COBOURG GOTHA, Field-Marshal in Her Majesty's Forces.

MAY IT PLEASE YOUR ROYAL HIGHNESS:

We, Her Majesty's dutiful and loyal subjects, the Commons of Canada, in Provincial Parliament assembled, most humbly beg leave to tender to Your Royal Highness our cordial congratulations on the Birth of another Prince; an event in which we sincerely rejoice, not only as conducive to the domestic happiness of Your Royal Highness and our Most Gracious Sovereign, but as deeply interesting to all parts of Her Majesty's dominions.

Ordered, That the said Addresses be engrossed.

On motion of the Honourable Mr. Attorney General Smith, seconded by the Honourable Mr. LaFontaine,

Resolved, That an humble Address be presented to His Excellency, the Governor General, to inform His Excellency that this House hath voted an humble Address of Congratulation to Her Majesty on the Birth of another Prince; and to pray that His Excellency would be pleased to transmit the said Address to Her Majesty's Government in England, in order to its being laid at the foot of the Throne.

Resolved, That an humble Address be presented to His Excellency, the Governor General, to inform His Excellency that this House hath voted an humble Address of Congratulation to His Royal Highness, Prince Albert of Saxe Cobourg, and Gotha, on the birth of another Prince; and to pray that His Excellency would be pleased to transmit the said Address to Her Majesty's Government in England, to be presented to His Royal Highness.

Ordered, That the said Addresses be engrossed.

Resolved, That the said Addresses be presented to His Excellency, the Governor General, by the whole House.

Ordered, That such Members of this House as are of the Honourable the Executive Council of this Province do wait upon His Excellency, the Governor General, to know His Excellency's pleasure, when he will be attended by this House with its Addresses.

Petition of
J.W. Brown
and others.

Mr. Smith of Frontenac, from the Select Committee to which was referred the Petition of James W. Brown and others, inhabitants of the township of Kingston, presented to the House the Report of the said Committee; which was again read at the Clerk's table, and is as followeth:--

That it is the opinion of your Committee that the 49th section of the Statute 3 Victoria, chapter 53, of the Late Province of Upper Canada, operates unequally upon persons residing in the vicinity of the several Macadamized Roads, referred to in the said Statute. And your Committee respectfully beg leave to recommend that there should be no commutation of Statute Labour with respect to the said Roads, and that the said section of the before mentioned Statute should be repealed.

Your Committee further beg leave to recommend that effect be given to the former Statute of Upper Canada, relating to Statute Labour, which Statute was in part repealed by the Statute first above referred to.

Ordered, That the said report be committed to a Committee of the whole House, on Friday the tenth day of January next.

Petition of the
Moderator and
Presbytery of
Montreal.

Mr. Dunlop from the Select Committee to which was referred the Petition of the Moderator and Presbytery of Montreal, with power to report by Bill or otherwise, presented to the House a Bill to indemnify Clergymen who have voted at the last general election, in ignorance of the Law, which was received and read for the first time, and ordered to be read a second time on Thursday the ninth day of January next.

Petition of the
District Council
of the District
of Huron.

Mr. Dunlop, from the Special Committee to which was referred the Petition of the district Council of the district of Huron, presented to the House the report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee find, by the Petition, that the Municipal Council of the District of Huron, have passed certain By-laws imposing Rates within the said District, of the validity of which doubts have arisen, but as it appears that the said By-laws, though not, perhaps, strictly in accordance with the letter of the law, did not purpose to raise a larger sum than the said Council are allowed by law to levy, Your Committee conceive that an Act should be passed to declare the said By-laws to be valid and in force; and beg to recommend the same for the consideration of Your Honourable House.

By-laws of
the District
of Huron.

Ordered, That Mr. Dunlop have leave to bring in a Bill to provide for the recovery of the Rates or Taxes intended to be imposed by certain by-laws of the district Council of the district

of Huron.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Thursday the ninth day of January next.

Petition of
the Bishop of
Montreal and
others.

The Honourable Mr. Aylwin, from the Select Committee to which was referred the Petition of the Right Reverend the Lord Bishop of Montreal and others, members of the Quebec Charitable Firewood Society, with power to report by Bill or otherwise, presented to the House a Bill to incorporate the Right Reverend George Jehosaphat, Lord Bishop of Montreal, and divers others, as a Charitable Association, for providing fuel to the poor and destitute in the winter season; which was received and read for the first time.

(83)

Ordered, That the said Bill be referred to the Standing Committee on Private Bills; and that the fifty-first rule of this House be dispensed with as to the present Bill.

Petition of
J. Dean and
others, Mer-
chants, of
Quebec.

The Honourable Mr. Aylwin, from the Select Committee to which was referred the Petition of James Dean and others, of Quebec, Merchants, with power to report by Bill or otherwise, presented to the House a Bill to incorporate certain persons under the name of the Quebec Forwarding Company, which was received and read for the first time.

Quebec Forward-
ing Company.

Ordered, That the said Bill be referred to the Standing Committee on Private Bills, and that the fifty-first rule of this House be dispensed with as to the present Bill.

Private Bills.

The Honourable Mr. Morin, from the Standing Committee on Private Bills, presented to the House the first report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Canada Baptist Missionary Society.

Your Committee have considered the Petition of the Committee of Management and Trustees of the Canada Baptist Missionary Society, praying for an Act to incorporate the said Society; and having ascertained that the Petitioners have the means of effecting the objects stated in the Petition, and of supporting respectably the intended establishment, they are, therefore, of opinion that their prayer should be complied with, and a Bill introduced, founded thereupon, which Bill should contain a provision that the powers and advantages to be granted thereby be applied solely for religious and educational purposes.

Religious Ladies of Congregation of Our Lady of Montreal.

The Petition of the Religious Ladies of the congregation of Our Lady of Montreal, praying to be empowered to hold real and personal property, to the amount of £5,000 yearly, has also been considered by your Committee, and they beg leave to recommend that the prayer thereof be complied with.

Quebec Library Association.

Mr. Chabot, from the Select Committee to which was referred the Petition of the Honourable William Walker and others, President, Vice-Presidents, and Directors of the Quebec Library Association; with power to report by Bill or otherwise, presented to the House a Bill to incorporate the members of the Quebec Library Association; which was received and read for the first time.

Ordered, That the said Bill be referred to the Standing Committee on Private Bills, and that the fifty-first rule of this House be dispensed with as to the present Bill.

Municipal Council of the District of Niagara.

Mr. Cummings, from the Select Committee to which was referred the several Petitions of the Municipal Council of the district of Niagara, with power to report from time to time, by Bill or otherwise, presented to the House the first report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee have taken into consideration the Petition of the said District Council, praying that the expenses attending the administration of justice may be defrayed out of the Provincial revenue, and they are of

opinion that the prayer thereof should be granted; they therefore recommend the passing of an Act to provide for the payment of the same from the Provincial revenue, and that the assessment now levied in the several Districts of Canada West for that purpose be continued, and the proceeds appropriated towards the local improvements of each District, in the discretion of the District Council thereof.

Tax on Dogs.

The next Petition that came under the notice of the Committee, is one praying for authority to the said Council to levy a tax on dogs within the District of Niagara; this power your Committee conceive should be given to each of the Districts, and they would submit the expediency of providing a general measure for the purpose.

Temperance Houses.

Your Committee would likewise recommend a compliance with the Petition respecting Temperance Houses, as they conceive it right that every house opened for public accommodation should be required to supply all necessary articles of refreshment for travellers and others.

On motion of Mr. Macdonald of Cornwall, seconded by Mr. Macdonell of Dundas,

Fees received by Clerk of Crown.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause the proper officer to lay before this House a statement of all fees and emoluments, of what kind or nature soever received, for the years 1843, 1844, by the Clerk of the Crown, in that part of the Province formerly Upper Canada.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

Fees to Advocates.

Ordered, That Mr. Laurin have leave to bring in a Bill to amend an Act therein mentioned, and to allow certain fees to Advocates appearing in cases before Commissioners Courts in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday, the fourteenth day of January next.

On motion of the Honourable Mr. Baldwin, seconded by the Honourable Mr. Aylwin,

Oxford contested Election.

Resolved, That the Petition of the Honourable Francis Hincks, of the city of Montreal,

complaining of the undue election and return of Robert Fiddell, Esquire, be taken into consideration on Friday, the tenth day of January next, at half-past three o'clock P.M., in lieu of Friday the twentieth instant, as before appointed by this House.

On motion of Mr. Lacoste, seconded by Mr. Franchère,

Glen, Boileau,
and others.

Ordered, That the entries in the Journals of this House of the thirteenth September 1841, containing the report of the Special Committee to which was referred the Petition of Jacob Glen, Réné Boileau and others, of Chambly, be now read.

The said entries were read accordingly.

Ordered, That the said entries be referred to the Select Committee to which was referred the Petition of M.F. Valois and others, inhabitants of Lachine and other parishes, and other references.

On motion of Mr. Johnston, seconded by Mr. Dunlop,

Petition of
Peter Aylen
and others.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to direct the proper officer to lay before this House a copy of a Petition signed by Peter Aylen and others, from the Ottawa River, to the Executive Government.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

Landholders,
Gaspé.

Printing Laws.

Ordered, That the Bill for the relief of certain land-holders in the Gaspé district; the Bill to throw open to public competition, the printing of the Laws, with a view to render the printing thereof more expeditious and less expensive than heretofore; the Bill supplement-

(84)

Administration
of Justice in
Gaspé.

Legal Claims
upon Executive
Government.

ary to an Act of the last Session of the Legislature, relating to the Administration of Justice in the Gaspé district, and to extend the provisions of the said Act; and the Bill to provide a legal recourse to Her Majesty's subjects in this Province, having legal or just claims upon the Executive Government thereof, and to enable Her Majesty the more effectually to do justice in such cases, be severally read

a second time, on Tuesday, the fourteenth of January next.

Attachment of
Official Salaries.

Trial of
Impeachments.

Ordered, That the Bill to authorize, to a certain extent, the seizure and attachment of official salaries, towards payment of the incumbent's debts; and the Bill to establish a tribunal for the trial of Impeachments, by the Legislative Assembly of this Province, be read a second time, on Thursday, the sixteenth day of January next.

MR. AYLWIN called the attention of the House to the attempts that are at present made in England to impose a duty on colonial built ships, and which, if effectual would deprive us of a great means of support. And he was satisfied that instead of such a duty being beneficial to England, it would be the very reverse, as a very large amount of materials consumed in this trade were procured from England alone. (Hear.) And consequently the destruction of this branch of commerce would do a serious injury to both countries. Those who were at all connected with commerce must have had their attention called to this subject. And it was notorious that two gentlemen, eminent in their profession, had taken steps which redounded highly to their honor, whilst the Board of Trade had made serious representations of the evil effects of this attempted duty to the Home Government. After adverting to the depressed state of manufacture in this country, particularly in Lower Canada, and the attempt on the part of our fellow subjects at home to cripple the few we have, he moved an address to Her Majesty, praying her to discountenance any imposition of so offensive a duty.¹

The Attorney General ((MR. J. SMITH)) expressed his entire concurrence in the prayer of the address, but suggested the propriety of awaiting some communication from the Home Government which would shew an intention to tax the trade.²

MR. AYLWIN in reply said it was of course impossible that the government should at this moment have any correspondence on the subject as the Imperial Government had taken no action it being an agitation merely on the part of some ship builders. But he tho't it advisable to make our wishes known to Her Majesty as soon as possible.³

(84)

On motion of the Honourable Mr. Aylwin, seconded by Mr. Chabot,

Duties on
Colonial-
built Ship-
ping.

Resolved, That an humble Address be presented to the Queen's Most Excellent Majesty, to represent, most humbly, the apprehensions entertained by this House, by reason of the efforts recently made, and now making, in Great Britain, to obtain an Act of the Imperial Parliament, to impose duties upon Colonial-built Shipping; and to beseech the protection of Her Most Gracious Majesty in favour of the staple trade, in timber, of her faithful subjects in this

Province, which is so deeply menaced by the contemplated duties.

Resolved, That a Select Committee, composed of the Honourable Mr. Aylwin, the Honourable Mr. Attorney General Smith, and the Honourable Mr. Baldwin, be appointed to prepare and report a draft of the said Address.

MR. LAURIN expressed his satisfaction at the motion being translated into French, but the measure of justice was not quite complete. The bills were given to members in English only, and he made a motion to have the same number printed in French as in English, in order that those members who did not understand English might know what was before the House.⁴

(84)

On motion of Mr. Laurin, seconded by Mr. Bertrand,

Bills to be printed in both Languages.

Ordered, That all Bills and documents submitted to the consideration of this House, be printed in each of the English and French languages, in equal proportions.

District Treasurers.

Ordered, That the Bill to prevent the abuses which have arisen from persons being Traders, or the Agents of Traders, being appointed or allowed to act as district Treasurers in Upper Canada, be read a second time on Friday, the tenth day of January next.

The Order of the Day for taking into consideration a motion made on the thirteenth instant, to wit: "That the grounds and reasons of complaint, set forth in the Petition of Peter Dunn and others, who have complained to this House of the undue election and return of the Honourable George Moffatt and the Honourable Charles Clément Sabrevois DeBleury, as Members to serve for the city of Montreal in this present Parliament, if such grounds and reasons be true, are sufficient to make void the election of the said Honourables George Moffatt and Charles Clément Sabrevois DeBleury," being read,

The House proceeded accordingly to take the said motion into consideration, and the said motion being again read,⁵

MR. SOLICITOR GENERAL ((H.)) SHERWOOD rose. He said he did not rise to oppose the motion made by the hon. member from Quebec, that if the allegations set forth in the petition which had just been read, were true, they were sufficient to make void the election, but for the purpose of taking several objections to the petition - objections sufficient, in his opinion, if sustained, to discharge the petition from any further consideration of the House. He had no desire, and it was not his object to stifle inquiry into the allegations set forth in that petition; for so far as he had been able to ascertain, the parties against whom those allegations

were made, were perfectly prepared to meet them; but he desired to establish a position that individuals not duly qualified and proved to be not so qualified, had no right to come to the bar of the House and to bring to trial gentlemen holding seats in that House, on such charges as they should deem proper to prefer against them. The objection which he was about to take was no new objection - it had been taken in England.⁶

MR. AYLWIN called the hon. gentleman to order. The simple question before the House was whether if the facts stated in the petition were true, they were sufficient to set aside the election. If the hon. gentleman had any objections to take as to the mode of proceeding, that could be done when the matter again would come before the House; if he was desirous of taking any advantage real or supposed, it would then be perfectly competent to do so.⁷ The course that had been taken in Lower Canada, was to meet all objections to the Petition itself, by a counter petition setting forth its defects - that course might be taken to-morrow.⁸

MR. SOLICITOR GENERAL ((H.)) SHERWOOD said, that with respect to the time of taking objections, he had searched the Journals of the Parliament of Lower Canada without finding any precedent in point.⁹

MR. AYLWIN - Oh, - there are several.¹⁰

((MR. H. SHERWOOD continued:)) Well, he preferred to follow English practice rather than to ((follow)) that of Lower Canada. - (Oh! oh!).¹¹

MR. AYLWIN. - "Order! order!"¹²

The Speaker ((SIR ALLAN MACNAB)) called upon the hon. member for Quebec to state in what respect the Hon. Solicitor-General was out of order.¹³

MR. AYLWIN: - The hon. member is speaking to a question not before the House.¹⁴

The Speaker ((SIR ALLAN MACNAB)) decided that the Solicitor-General was not out of order.¹⁵

The Solicitor General (West) ((MR. HENRY SHERWOOD)) would prefer to adopt the English mode of proceeding, rather than that of Lower Canada. He therefore begged to move, as an amendment to the present motion, that all after the word "resolved," be struck out therefrom, and the following words inserted: "this petition be now discharged, and that all proceedings taken therein do become void." The reasons he offered to the House he believed he would be able to demonstrate to be sufficient to justify the course proposed, and he trusted that the feelings of the gentlemen on the opposite side would not be so powerful as to prevent them from hearing those reasons, and giving them their serious consideration. He believed the principle would be at once allowed, upon both sides of the House, that no person can be a proper petitioner against the return of

a member of this House, unless he be one who was elector at the time when the election complained against took place, - if hon. members would search into the precedents in England, and probably it was the same in Lower Canada also, they would find that this principle is always insisted upon - that the petitioner must show that he has been aggrieved by the improper return of the sitting member; and therefore no person but an elector at the time of the election has a right to complain of that return being improperly made. The statute¹⁶ of Lower Canada¹⁷ requires that ten of the petitioners shall take oath - not that they are duly qualified - but shall take the oaths required to be taken by the electors at the time of an election, and they must take these oaths before a magistrate, who must then transmit them to this House. Now what I complain of in the petition is this, that the petitioners do not in any part of it represent themselves to be electors of Montreal at the time they signed the petition. Now the House might admit as an inference, that they were electors also at the time of the election, they might presume that; but if they did, what was to prevent them from presuming that every person was duly qualified who chose to come forward and petition,¹⁸ to force hon. members to a defense of their right to a seat in the House¹⁹, although perhaps he might possess no more right to do so than if he lived in a foreign country. The objection that he had made was not as to mere form, but it was a substantial one, and had for its object to maintain the principle, that no member should be disturbed in his seat, unless the petitioners were persons who had in fact the right to claim the interference of the House²⁰ and were aggrieved by the return against which they petitioned. Nothing of the kind had been shown in the present case; the petitioners had merely stated that they were electors and was the House to presume that because they call themselves electors, that they are really so? Or if they were electors at the date of the Petition, was the House to assume that they were so at the period at which the Election complained of actually took place?²¹ ((Was the House)) to presume that they possessed the necessary property - and to imagine that they had possessed it during the period required by law to qualify them as voters. He believed such a course could not be sustained in any Legislative Assembly.²² The question was one of high importance. The Petitioners should have shown to the House that they were duly qualified electors, and that they had been aggrieved by the return of the two honorable gentlemen now representing the City of Montreal.²³ But they had done nothing of the sort, they did not pretend that their franchise was interfered with at the election, but merely that they were electors when the petition was drawn up some time afterwards.²⁴ Nor did the petition state what kind of electors the petitioners were; they claimed to be electors of the city of Montreal; but the electors qualified to vote in Municipal Elections were electors of the city of Montreal; but it did not follow that they had a right to vote for members of Parliament. His objection, then, he repeated, was not one of mere form: it was substantial and important. If correct in the principle that the petitioners must have been at the time of the election duly qualified to vote, then it was clear that no such fact

was shown or claimed upon the face of their petition. If hon. members would look into the petition they would find in no part either that the petitioners were entitled so to vote, or that they had been aggrieved by the return which had been made at that election. If the House would supply an omission of that kind, and draw the inference from the petition that the parties complaining were duly qualified, it would but lend itself to the encouragement of similar attempts upon the seats of other hon. members of the House, and deprive them of that security which the law of Parliament had thrown around them. That was the objection which he had to the reception of the petition.²⁵ The House was so jealous of an improper interference with the seats of members, that the strictest laws had been provided to restrain it, and had been acted upon in Lower Canada again and again; they might cast that law away from them if they pleased, but if they did so they would be at sea without a compass or a pilot to direct their course²⁶, and individuals be encouraged to come down to the House and dispute the Seats of any hon. member of the House²⁷ who did not entertain the same political opinion as themselves. He was not now supposing that the House would take this course, he did not think it would, - but he was pointing out the inevitable consequences that would result, if they inferred the right of parties who did not assert it themselves. Another objection he had to make was this; the law requires that ten of the persons who sign the petition shall make oath before a magistrate that they have the proper qualification of voters. Now, there are three oaths to be taken by persons who hold freehold property, and three by tenants; and it is required that a copy of these oaths shall be affixed to the Petition, certified by the Magistrate before whom they may have been sworn; this was provided by the Act of the 48, Geo. 3rd, cap. 21st. Did not the legislature intend, by that enactment, to defend members from having petitions against them forced into the House without proper authentication, and to make the petitioners liable, if they swear falsely, to the pains and penalties of perjury? - Now, he asked, if Mr. Peter Dunn and the other petitioners in this case had sworn falsely, and he did not mean to accuse them of doing so, whether perjury could be assigned upon the document before the House -²⁸

Hear, hear, from MR. AYLWIN²⁹.

((MR. HENRY SHERWOOD asked)) Did the hon. member who cried "hear, hear," mean that for yes, yes³⁰?

MR. AYLWIN said yes.³¹

((MR. HENRY SHERWOOD continued:)) Then that hon. gentleman had not so good a knowledge of his profession as he had hitherto given him credit for. He (the Solicitor General) repeated, that the certificate of a Magistrate would not be sufficient evidence upon which to convict for perjury. Then again, the Magistrate had only certified that the petitioners had taken the oath, but he had not told the House what oath, he left them quite in the dark on that point; and he supposed they would shortly be told that

they were to supply that defect also, by an inference. - But if the law, anxious to guard against vexatious proceedings in these cases, had provided that no petition should be presented unless signed by ten freeholders - that these freeholders should take certain oaths before a Magistrate, and, that the Magistrate should certify those oaths to have been taken - if the law required that, he would ask if the House would take upon itself to supply the absence of any of these important acts? Was there anything to show that Mr. Peter Dunn was a freeholder or a tenant? or that he had the slightest right to petition. He (the Solicitor General) thought not. In many of the petitions now on the table, the oaths taken were attached to the petition. But on the one now under discussion, it was merely said that the petitioners had taken the oaths required by law. But what was that oath? Was it the freeholder's oath? if so, where did that appear? Was it the tenants? If so, where did it appear? Hon. Gentlemen might say - "Well I think it must have been the freeholder's oath, for I know Mr. Dunn has large property in the town, or others might think it was the tenant's oath, but he (the Solicitor General) did not know it; all that appeared by the documents before the House, was that an oath had been taken, but there was nothing by which they could conclude whether these people were freeholders or tenants. He thought the House would not supply these defects, merely to encourage persons to come forward and make these charges - charges affecting the character of those against whom they are brought throughout their future lives.³² The petition which had been read had charged the sitting members for the city of Montreal, with bribery, corruption, intimidation, and almost everything else, and the House was called upon to put these hon. gentlemen on their trial on these charges, and to do so without a petition before them such as the law requires, but merely in consequence of an inference that the petitioners were qualified electors, and therefore pursued a legal right to come before the House with such a demand.³³ He had another objection to make, which, however, he must confess did not appear to him to be so strong as those he had already urged. He referred now to the recognizances to be entered into before a Judge. In the petition from St. Maurice it was certified that the parties were freeholders, here nothing of the sort was alleged in the certificate of the judge, and yet perhaps he was again to presume it; perhaps some hon. members knew the fact, but they are not now to proceed on what they know but upon the complaint on which the House has to adjudicate. Perhaps hon. members may presume again that they took the oath required of them as freeholders, but it is not asserted that they took "the oath" - one oath when they ought to have taken three, and although the certificate says that it was the oath required by law, yet he (the Solicitor General) did not think the House would permit any Justice of the Peace, or a Magistrate - no, nor a Judge - to decide, on what it was the duty of Parliament alone to decide upon. The Magistrate should have laid copies of the oaths before the House, and allowed it to judge for itself. The intention of the legislature in providing that the electors should take all the oaths, and that the Magistrate should certify them was, that the House should be as well satisfied that they had been taken, as if they had the poll book before them, opened at

Jurat No. 1, Jurat No. 2, Jurat No. 3. But instead of that for all the House knew, the petitioners might have been minors at the time of the election, or might have acquired property (sic) since. Having then shown the defects in this petition, he contended that it ought to be at once dismissed. The common principles of law dictated a presumption of innocence; and in Criminal Courts, before a man can be put upon his trial for an offence not half so great as many of those charged in the petition, the indictment must show specifically where and when the offence was committed, and by whom the charge is made; and the Courts watch with jealous exactness to see that every provision of the law is carried out in drawing up the accusation, and the slightest omission is taken advantage of by the Court and the Jury in favor of the accused; and yet he was now to be called upon to take the very reverse course, and to fill up all that might be wanting in the charge, by inferences and surmises.³⁴ That House was the highest tribunal in the land, and he entertained a hope that no such disregard of forms would be allowed in so important a proceeding, affecting as it did the rights and privileges of its members.³⁵ He trusted ... that the House in this case would not diverge from the course required by the principle of the law, and the practice of the Courts, and would insist that every form should be complied with, which would be necessary before a man could be put on his trial for offences within the jurisdiction of the Criminal Courts. He would give his authority on this point from "Perry and Mack on election positions," where it was stated that although "the borough of which the petitioners were stated to be electors was named in the margin, yet, as they were not so described in the body of the petition, but only said to be electors of a certain borough, and afterwards of the said borough, the petition was discharged for want of a proper description." He would give another case, although the decision was not so favorable to his views. It was only that of a petition relating to an election of the Town of Montgomery; there Edward Jones and James Mority were said to have the right to vote at an election of members of Parliament, (not merely that they were electors for, in the petition before the House,) and Sir Wm. Follet argued, before the Committee, that the petition could not be received, because it did not state the petitioners were electors at the time of the election; it was decided that the objection should have been urged before the House, before referred to the Committee. He mentioned this was to show the opinion of one of the most eminent British lawyers on the point he had principally urged. In conclusion he would say, that he had brought forward these objections because he thought it his duty to do so. He cared for the opinion of no other person, because he thought he had come to a correct conclusion, after the greatest care he could throw upon the consideration of authorities. While he was a member of that House he would always stand forward in such cases, - no matter from what side of the House the petition ((came he would)) insist upon the strictest compliance ((with the)) law before any gentleman ...³⁶ The hon. gentleman ... called upon the House, by its vote, to imitate the example of those who were intimately better acquainted with constitutional law than that House could be. He would therefore move ... ((the

following amendment.))³⁷

(84)

The Honourable Mr. Solicitor General Sherwood moved, in amendment, seconded by Mr. Duggan, that all the words after "That" in the said motion be struck out, and the following substituted: "The Order of the Day for taking into consideration the Petition of Peter Dunn and others, against the return of the sitting Members for the city of Montreal, the said Petition and all proceedings had thereon be discharged."

MR. AYLWIN said, the Solicitor General had indulged in a sarcasm at his expense on the subject of his legal knowledge, which he professed to entertain a poor opinion of.³⁸

The Solicitor General ((MR. HENRY SHERWOOD)) explained, - he had said, that if the hon. gentleman entertained a certain opinion, then he did not possess so great legal knowledge as he (the Solicitor General) had before given him credit for.³⁹

MR. AYLWIN cared very little for the amount of credit the hon. gentlemen (sic) might choose to give him. He (Mr. Aylwin), however, would be complimentary to him, for he would tell him he was a very excellent lawyer indeed, and that he had never made a better exhibition of his talents than he had done that evening; he had spoken like a lawyer, and a good one, but not like a lawyer who is discussing some great principle which it is worth while to argue, for he had steered clear of all principles, but he had distinguished himself like a man who had got to move for some petty, paltry, miserable little rule. Why need I say more, said the hon. gentlemen (sic); you, Sir, are a professional man, and you well know, how much time and trouble one sometimes takes to work those little subtle points.⁴⁰ But there was a wide difference between the duties of a legislator and an advocate, and while in that House he should strive to forget the lawyer, not attempt to surprise the court and jury, but endeavour to satisfy both the head and the heart.⁴¹ He was sure that if the hon. gentleman had reflected more upon his duties as a councillor and a legislator, and less upon those of a lawyer, he would never have made the motion he had done. He would now examine the very witty and ingenious objections which his friend opposite had discovered, by which the petitioners were to be excluded from all right to complain against practices which one of the hon. members petitioned against had frankly admitted to be amply sufficient, if true, to make void his election. He has found out that the same nicety⁴² of construction⁴³ is to be required in an election petition as in an indictment for high treason, and the hon. gentleman, as he cited English precedents, ought certainly to have cited one to support this view of the case.⁴⁴ For his part he could not see the analogy. But what was it that was wanting in this petition? Had not that House seen before it many drawn more loosely?⁴⁵ They had decided upon them in a legal way; why should the present one be tried on different principles from any that had ever preceded it.⁴⁶ In this there were specific charges made, there was a statement of facts given in such a way as to be intelligible to that House; and he held that, that statement was

sufficient.⁴⁷ The objections taken by his learned friend, were firstly that Mr. Dunn and the other petitioners might have been electors at the time when the petition was drawn up, but that it did not therefore follow that they were electors at the time of the return being made; we find, too, that the hon. gentleman was not original in that objection, and he had given the House something which he found in the book of reports,⁴⁸ the 4th of George IV,⁴⁹ against the application of which, as an authority, it is only necessary to say, that the act, under which that decision was given, is an Imperial Act, in which it is distinctly required that the petitioners should state that they were electors at the time of the election. Now mark the ingenuity of the hon. gentleman; in order to aid us in our construction of an Act of Lower Canada, he gives us the full blaze of light which is reflected from the English Act, though the hon. gentleman knows well, that the Grenville act was never the law of Lower Canada at all, and in spite of the slur which the hon. gentlemen (sic) has thrown on Lower Canada -⁵⁰

MR. ((HENRY)) SHERWOOD rose to explain, he had cast no slur upon the people of Lower Canada; he had been misrepresented upon the same subject once before, and he had passed it over in silence. For the people of Lower Canada, for the representatives from that section, he entertained in every way the highest respect; but he had said that he preferred British Parliamentary practice to the practice of that⁵¹ of Lower Canada, or Upper Canada either.⁵²

MR. AYLWIN continued, he was glad the hon. gentleman felt that any slurs of that kind upon the Lower Province were improper, but he ought at least to remember when he preferred the English practice that when they had to construe the law of Lower Canada they should at least apply to it the standard of the jurisprudence of that country. He, (Mr. Aylwin,) put it to any man of common sense, how it was possible to illustrate the law of Lower Canada from the practice of England, or of Upper Canada. If the law of Lower Canada was to be explained, let it be done by referring to Lower Canada practice. Hon. members might wish to carry out the English practice, and he Mr. Aylwin wished to do so too, but where the same rules would not apply, the House must decide according to the cases, which had come before the House of Assembly of Lower Canada at Quebec; it was useless to talk of the practice in Upper Canada, or in St. Stephen's Chapel; hon. members must condescend to construe the Lower Canada law according to its own principles. However, the first objection that had been raised to the petition was that there was nothing upon the face of it to show that the petitioners were electors at all;⁵³ but he found in that petition the names of the parties, then their description as electors of Montreal.⁵⁴ But then the hon. gentleman said that there is nothing to show that they were electors at the time of the last election for that city. But to show that in point of fact there was not room even for a quibble, for he (Mr. Aylwin) would not call it an argument, he would point to the form of the oaths, which the electors are obliged to take at the election, and which must also be sworn, by the electors, duly qualified

to vote at the election they are contesting - "You swear your name is so and so, your business so and so, &c. and that you have not voted previously at this election." The second oath is as follows, "your name is so and so, &c., that you are proprietor of certain property, situate at so and so, &c., and that you have been in possession thereof for six months preceding the said election." The fifth oath went to show that the party had resided in the town. No one after reading those oaths, could find any foundation for the present motion; in fact you cannot even infer that they were not electors at the time of the election, for if you receive the certificate of the Magistrate, you must believe that they were resident inhabitants, and that they were in possession of freeholds. It was, therefore, by no means difficult to overthrow all the airy cobweb reasonings of the hon. member for the City of Toronto⁵⁵, but he should not do so. He would content himself with the facts⁵⁶ as he found them, and he challenged any man who possessed a conscience to raise a cavil or object that the petitioners might perhaps have been electors when they signed the petition, without being so at the time of the election.⁵⁷ In the first place there was the statement before them backed by the strongest evidence, the corroboration of an oath.⁵⁸ The next objection was just as ingenious, and just as airy and weak. The hon. gentleman had omitted some words from one of the laws he had read, and had inserted some of his own; of course if he did that, he could make the facts suit his own theory very aptly - but it was better to be prepared with a correct statement of facts. He (the Solicitor General) had stated, that the law required a copy of the oath to be annexed to the petition, but he had not referred to the law of Lower Canada, although their present business was to carry out that law; nor did the hon. gentleman find it convenient to refer to that section of the Act of the 4, Geo. 4th, cap. 6th, where it is provided, "that the qualification should be asserted on oath by such petitioners before one Justice of the Peace, which said Justice is hereby empowered to administer the same oaths as are required previous to voting at the elections of Members of Parliament, and shall grant a certificate of the same, which certificate shall be affixed to the petition." It is plain, then, that it is the certificate which must be affixed, before the petition can be received by the House of Assembly; but the hon. member passed over those words about the certificate, and wanted to have copies of the oaths. Let that hon. gentleman show, if he can, any law of Lower Canada, or any Imperial Act, which requires the copy of the oath.⁵⁹ There was nothing to prove the necessity of such a copy, and should that House go beyond the Law, should it pretend to be wiser than the Law, and exact more than the Statute provided for, when the petitioners had fulfilled all its requirements? If the law was not a wise one,⁶⁰ let it be altered, and let the hon. gentleman take the affair away from the Magistrates; but so long as it continues as it is at present, let him respect the certificate of the most ignorant Magistrate in the country. In order to show whether the law has been complied with, he (Mr. Aylwin) would read the certificate: - "In conformity to the statute, I have administered to Messrs. P. Dunn, &c." Could it possibly be denied that the petitioners had put in the required certificate. But the hon. member had said the certificate was insufficient, because more

than one oath is required, and yet the certificate only spoke of one. Certainly, but when the very words of the law are made use of, the Magistrate complies most fully with its requirements. Now, the law says, "the qualification shall be asserted on oath;" the certificate is accordingly in the singular number, followed by the very words of the statute; and hon. members well know that the word oath frequently meant not merely one oath but all the oaths required by law, in the particular occasion spoken of. He, therefore, thought the certificate was sufficiently explicit. The hon. gentleman further remarked upon the unfortunate position in which members of the House would be placed if this certificate were allowed, instead of a copy of the oath; how, said he, can you bring these people to the bar of justice, in case they have foresworn themselves? He takes upon himself this great objection, that these persons could not be indicted for perjury, because there is no written proof of the oath having been administered. If the gentleman had looked at one of the schedules attached to the Act, he would have found the plan of the poll-books, and he would have found that all the poll-clerk had to do was to make a figure under one of the columns, and that that is all the evidence which the law requires to prove perjury against a voter. Now, he asked, how the position of the sitting member would be at all injured, in the event of perjury having been committed by these parties. If they had foresworn themselves, if they had not the necessary qualifications of freeholders, it must be easy to prove it; there must be thousands who could prove that; and then the magistrate could be brought up and asked if he did or did not administer that oath; what right then, he asked, had the sitting member to complain?⁶¹ Would the Solicitor General, the officer whose duty it was to prosecute such cases for the Crown, tell him that there was necessity for a written document to prove perjury? A certificate of the affidavit, was alone required.⁶² These people called themselves electors, but, said the hon. gentleman, suppose they are municipal electors. The context shows, that, however much they might perhaps have been aggrieved in that matter also, yet it was not as municipal electors that they complained, but as electors of members of Parliament that Messrs. Moffatt and DeBleury were unduly returned⁶³. There were no provisions in the Municipal Act like those which petitioners had been called upon to fulfill. It required very little study or learning to understand what electors they were, and it was trifling with the time of the House to raise such frivolous objections; and he was surprised, that the hon. member for Toronto should do so. The Solicitor-General in his extravagant zeal to retain the services of the members for Montreal in that House had gone out of his way to shield them.⁶⁴ He thought that the hon. member had not consulted the views of his friends, in bringing forward those objections, for he (Mr. Aylwin) believed that those gentlemen were quite ready to meet these statements, for one of them⁶⁵ in his warm and candid manner had said if the facts alleged in that petition were true, they were sufficient to make void the election; and he was sure that hon. members was (sic) little indebted to the Solicitor-General for an interference, which he believed to be unsought on his part.⁶⁶ And in saying this, he would just remark that no man was more sensible of the value of the services of those gentlemen to the country than himself. As that hon.

member had referred to precedents he, (Mr. Aylwin,) would do so too; and to precedents not drawn from an English statute, but from one of Lower Canada, and he would show how trifling were all the fancied difficulties in which the House was supposed to be placed. He would show, that if any of the objections were well founded in point of fact, it was in the power of the sitting member to obtain an investigation into the proofs of the complaints now made. Let the sitting member come forward and assert, in a petition, that these parties were not the qualified electors they professed to be.⁶⁷ He could comand (sic) an investigation of his allegation, and if it was supported by fact, the petition fell through, and there was an end to the matter.⁶⁸ The cases he had to bring under their notice were, first, that on which Mr. Berthelot presented the petition of the sitting member, in which it was stated that the petitioner had become aware that the securities put in were insufficient, and praying the House to take the subject into its consideration. They did so, and found that the securities were duly qualified. The next case was that of the petition against the return of Mr. D.B. Viger, for the county of Richelieu;⁶⁹ a petition was presented from the sitting member to the House, complaining of the insufficiency of the sureties; and investigation was ordered, the Surveyor General was sent down to value certain lots of land upon which the party based his qualification, and the surety was proved insufficient;⁷⁰ and the House ... discharged the petition.⁷¹ He trusted that when this case too came on, it would not be argued by the honoble. Solicitor General, but at the Bar of that House; then let any one of the objections raised, be proved, and the whole proceedings would drop.⁷² He could not help smiling when he heard the hon. mover assert, that his objections were substantial, and not merely verbal ones, for the course of the petitioners was a very usual one ⁷³ ((and the objections)) were not worth discussion.⁷⁴ He believed that there was not one member acquainted with Lower Canada, who would think there was any thing unusual or extraordinary in the petition, but he (Mr. Aylwin,) would tell them what was extraordinary, that was to hear such arguments as those of the hon. member for Toronto. When he heard of the objections, he thought at first that the report was got up for the purpose of amusing the members of the House during their labours. - But since that he had been convinced to the contrary. He had heard of a man so witty, that he could write verses on a broomstick;⁷⁵ and the hon. member for Toronto had satisfied him that there was no subject upon which he could not raise an objection, and no subject on which he could not speak, and speak well.⁷⁶ If the object of the hon. gentleman had been a substantial and well grounded one, he (Mr. Aylwin) ((would have supported)) him as he would have done in the case of the Portneuf petition, had he then been in a position to give his vote; but it would not do for the House to carry out the law more strictly than the law itself required. And in conclusion he would beg the hon. gentleman - although he knew the law of Lower Canada was a subject too small for the grasp of his great mind, yet as it was a matter of some importance to the poor people who came to the House for justice, he would beg him to devote a little time to the study of the statutes of Lower Canada, and give the country the benefit of his luminous commentaries

upon them.⁷⁷

MR. DUGGAN said, that if confidence of assertion amounted to argument, and if attempts at witticism were answers to facts, then the hon. member for Quebec had certainly shewn that the arguments of the hon. member for Toronto were unfounded; as it was, the speech they had just heard only showed the taste of the hon. member who had made it. It would have been far better in his (Mr. Duggan's) opinion, to have referred to the law and practice of Lower Canada, and to have⁷⁸ cited cases similar to the present, and ((to have)) brought forward petitions and certificates of previous contested elections which had been before their House, it would have been a far better method of refuting the arguments of the Hon. Member on his left (Mr. Sherwood). If he had referred to the Statute, and based his reasoning upon the requirements of the law, he might possibly have shown to that House that his argument was not grounded upon mere assertion, but upon the acknowledged law of the land. The Member for Quebec had indulged in some remarks upon the supposed ignorance of the Hon. Solicitor General, with regard to Criminal Law, and while boasting of his perfect understanding of it, had made the great discovery that a person might be indicted for, and convicted of, perjury without any written document to prove the charge. It had been insinuated that the Hon. Solicitor General showed an extravagant zeal to protect the Members for Montreal in their seats; such an insinuation, to say the least of it, was not in good taste. That House had the greatest reason to watch, with a jealous eye, all attempts to unseat Hon. Members, and to see when petitions against their return were presented that every requirement of the law was fulfilled.⁷⁹ He thought that the Solicitor General was quite right in demanding that the petition should be drawn with all the exactness of a criminal indictment for⁸⁰ the proceeding in Election petitions was indeed of the nature of an indictment, and in spite of the ridicule of the Hon. gentleman opposite, what else could he call it? It was a collection of grave charges, for acts not only immoral, but criminal in the highest degree. The law had wisely provided that certain preliminaries should be observed by the accusers, before the characters of Hon. gentlemen were assailed.⁸¹ The greatest strictness should therefore be required in the observance of the preliminaries that the law had required, that members might find that the law protected them in those rights which it gave them. The law of Lower Canada required, that when petitions of this kind are introduced, certain persons shall become answerable that the proceedings shall be continued, so that if they fail that the gentlemen against whom those charges are brought may have something to resort to, to cover the expenses of their defence; these securities must be given by voters and freeholders, and a magistrate must give a certificate to that effect. Now here we have it stated, said the hon. gentleman, merely that they "did justify their security before me", without a word being said as to their being freeholders⁸², therefore, it was deficient in a most material point.⁸³ Then we have, I "do certify, that I have administered to Peter Dunn, &c., the oath of qualification required by law."⁸⁴ Such an assertion was good for nothing.⁸⁵ There may be many acts by which a man may be required to make an oath of his qualifi-

cation, but here it is not stated under which of them he made the oath. He does not say "I certify, &c." in accordance with such and such a statute⁸⁶. The oath administered might have been that of allegiance, or it might have been that the petitioners had not previously voted. But there was nothing in that certificate upon which the inference could be based, or by which it could be proved that the parties were freeholders, that they were entitled to vote at the last Election, or that they had taken the oaths prescribed by the Statute.⁸⁷ I should therefore say, from such little knowledge of the profession which I possess, that that certificate is not worth a straw, because, though every word of it be true, yet not one of the requirements of the law provided in the case, have been fulfilled.⁸⁸ There was nothing in that certificate to show even that the petitioners ever pretended to be electors at the time of the election.⁸⁹ I never in the course of my life read anything, which purported to be a legal document, so utterly valueless and defective.⁹⁰ On account of those legal flaws the House could not receive the petition.⁹¹ With regard to what the hon. member for Quebec has said - that we are not now proceeding in the course that used to be adopted in Lower Canada, I will only say that the object of the counter petition of which he speaks must have been to bring the objections to the petition before the House, and as they had them brought before the House by the present motion, he could not see that one course was more adviseable (sic) than the other. Still, if any gentleman could show that the cause of the petitioner would be damaged by the course at present taken, he would⁹², as the seconder of the motion before the House, ... have no objection to withdraw the motion, to appeal to the House by petition, and to leave the matter to be decided upon some future day.⁹³

MR. JOHNSTON observed, that he had seen many legal documents in his day, but the petition before the House was the vilest, the most libellous production he had ever seen. It had been got up as a mere hoax, as a catch-penny trick. Whoever prepared the petition, it was no credit to him, for it displayed nothing but the vilest language and the most vulgar ignorance. The Member for Quebec might use all the special pleading he pleased, but there was no desire, on that side of the House, to stifle enquiry. As for the complaints against the return of Messrs. Moffatt and DeBleury, if the petitioners had stated that it was impossible to poll all the votes in the city in two days, they would have had some grounds. It was impossible to poll more than half the votes, and they might thank the ex-Ministers for that. He had been acquainted with the Returning Officer almost from his infancy - he had known him from the time he was ten years old until now, and he believed he was the last man in the world to act partially or unjustly. He also knew the sitting Members for Montreal, and had found them most upright and honourable in their transactions. He did not know who the real petitioners were in this case, but he was quite sure it was not Peter Dunn; he did not believe that he was so evil-minded as to make use of such language. With regard to the certificate appended to the petition, it was informal, and therefore he would vote against it. Moreover, it was perfectly well known

that all these election petitions were brought forward to disqualify gentlemen on the Ministerial benches from sitting on Election Committees, to endeavour to oust the present Ministry, and throw the laws and statutes overboard, and make shipwreck of them.⁹⁴

M. LaFontaine se leva, mais le président ((SIR ALLAN MACNAB)) accorda la parole à M. Gowan qui s'était levé le premier.⁹⁵

MR. GOWAN said that he was no lawyer, and the question had been at present argued almost exclusively by members of the profession, who, no doubt, were the best of all qualified (sic) for the discussion; there was, however, one principle of law, with which they were all acquainted, which was, to give all cases the benefit of a doubt, if any existed, to the party charged. Now, to say the least of it, there appeared to be some doubt in the present case⁹⁶. The hon. member for Quebec had told them that the magistrate had made a certificate; it was true he had done so; but⁹⁷ he ((Mr. Gowan)) had been to the clerk to obtain the certificate required by law, and he found that the magistrate had only certified that one oath had been taken, but four oaths were required; then what particular oath was it, that was administered?⁹⁸ The parties might have only known that they had not voted at the last election, and that would not prove that they were freeholders - any one not possessing the necessary qualification might have safely taken that part of the oath.⁹⁹ The hon. gentleman had laid great stress upon that part of the oath which said the party had not previously voted, - why he (Mr. Gowan) would think that it did not require an elector to make such an oath as that;¹⁰⁰ ((and Mr. Aylwin)) had found fault with the Solicitor-General for not showing any precedents; but he proposed to show two, one from Lower Canada and one from United Canada. The first was upon the same subject as that now before the House, the Montreal election, that of 1834, when Mr. Papineau was a candidate for the West Ward On that occasion a petition had been presented against the return of Mr. Papineau¹⁰¹. Many gentlemen now in the House took part in the discussion upon that petition, and amongst them was the hon. member for Terrebonne, whose words he found reported in the Quebec Journals.¹⁰² He would refer honourable members to the Quebec Gazette of November 4th, 1835.... The hon. member for Terrebonne, the late Attorney-General for Lower Canada, stood up in his place and objected to the reception of the petition, not because its allegations were not true, but on account of legal informality.¹⁰³ His words were, without entering into the merits of the case, there were certain formalities required, which had not been observed, the want of which must prove fatal to the petition.¹⁰⁴ The principal objection was that the petitioners had not taken the oath prescribed by the Statute 4 William 4th, but had been sworn upon the other Act. Here there had been two forms of oath of qualification, and the petitioners had not taken one of them; the member for Terrebonne contended that the petition could not be allowed to proceed, and the House sustained him in that objection. The names of those gentlemen who had voted for the rejection of the petition, and who now hold seats in that House were - Lafontaine, Berthelot,

Bouthillier, DeWitt, Leslie, Morin, Scott, and Taché. The petitioner was the late Mr. Walker,¹⁰⁵ a man well known to be learned in the law¹⁰⁶, a gentleman of the highest standing in the country, and without doubt possessed of the necessary qualification; the difference was not of form, and not of substance, and yet the objection was held to be fatal. He called upon all those members who had voted for the rejection of that petition, to show themselves to be equally consistent by recording their votes in favour of the motion before the House. The next precedent was one in which he had been personally concerned, he alluded to the petition of William Buell¹⁰⁷, against a member of that House; and that member was himself, (Mr. Gowan)¹⁰⁸. The hon. member for the Fourth Riding York, the late Attorney-General for Upper Canada, the highest legal authority for the time being, had on the 4th of Dec'r., instant, moved for leave to withdraw (sic) that petition for the purpose of correcting an error therein which he considered fatal to it. The error was that the petitioner had set forth that he was now an elector for the county of Leeds, instead of "was then." The late Attorney-General for Canada West, held that error to be fatal, and consequently withdrew the petition. The same objection was raised in the present case; the petitioners did not state that they were qualified electors at the time of the election; and if it was valid in the one case, it was equally so in the other.¹⁰⁹ He therefore, again said, that he hoped gentlemen on the other side would be consistent on the present occasion.¹¹⁰ So long as these precedents remained upon the Journals of the House, backed by the authority of the late Attorneys-General for Canada East and West, it was the duty of the House to apply them to any other similar cases which might arise.¹¹¹ He did not now wish to enter in the merits of the petition, or into any lengthened discussion, yet he did think that some observations might have been spared by the gentlemen on the other side, without lessening the energy of their remarks.¹¹²

MR. G. MACDONELL, (Dundas,) said that if he had been about to give his vote upon the Ministerial side, he might have given a silent one; but when he found himself called upon to¹¹³ give a vote adverse to those friends with whom he generally voted,¹¹⁴ it was his duty to give his reasons for it. Certain objections had been urged against the petition, and supported by the Parliamentary practice of Great Britain. But¹¹⁵ it had been truly said that the rules of British practice were no rules in this country. If there were no law here, indeed, British practice would certainly be an important guide, but as they had their own laws, and their own authorities, he could consent to follow no other.¹¹⁶ In the first place he held that the objection had come too late, that the defendants¹¹⁷ had, to use a legal term, suffered themselves to be lurched;¹¹⁸ ((they)) had pleaded to the charge, by not urging these objections when the petition was presented; and the reception of the petition had destroyed the right to object. He could not find from the statutes of Lower Canada that the petitioner((s)) were bound to adhere to any form; and he could not see that they had gone against any enactment. It was set forth that the petitioners should swear that they were electors at the time of the election; it was sufficient that they were electors at the time of peti-

tioning. He held that any person who had acquired the franchise after the election was as competent to petition against the return of the sitting Members, as one who possessed it at the time of the election.¹¹⁹ His friends near him had also said that the petition was informal, because all the oaths were not certified to have been taken. But for all he saw, the Statute had been strictly complied with, which required, not that the original affidavits should be transmitted, but that the certificate of their having been taken should be forwarded; that had been done¹²⁰. There was no requirement that a copy of the original oaths taken should be forwarded to the House.¹²¹ They must therefore assume that the magistrate complied with the strictness of the Statute. And it was very far from being so inconsistent with common sense, as it was said to be, by some hon. gentlemen to suppose, that because only one oath was mentioned, therefore no more were taken; for it was very possible that the magistrate had put all the oaths together into one affidavit, and had then sworn them upon the whole at once. And even were it not so, supposing all these informalities to exist, still it was very clear, that the present petitioner followed in the course which had always been taken,¹²² according to the strict Parliamentary usage of the land¹²³, and he should, therefore, vote for giving them the consideration they sought for.¹²⁴ If there were errors in the construction of the laws it mattered little, so long as that House followed the precedents before it. He would not enter into the merits of the petition, but he hoped that the Hon. Members for Montreal would not have their election set aside, but that their return would prove to be just.¹²⁵

MR. WILLIAMS said, that had the petition related to Upper Canada, there was no doubt that the act rendered it necessary that the setting forth of the description of the petitioners should have been more explicit; but according to the law of Lower Canada, it was not necessary. He looked upon the certificate of the Magistrate as in full compliance with the law. And he therefore felt himself called upon to vote against¹²⁶ his friend, the Solicitor General, on the present occasion.¹²⁷

MR. BALDWIN said, that some of the observations which he had intended to address to the Chair, had been already anticipated by the hon. member for Dundas. With reference to several of the objections which had been raised by the gentlemen opposite, they appeared to be so entirely without foundation, that they scarcely deserve a moment's passing consideration.¹²⁸ He would only say, that, in the case mentioned of the election petition, against Mr. Papineau, where the remarks of his hon. friend, the member for Terrebonne, were quoted, that, on that occasion the oath taken was not the one required, but one for the ((He could)) only say that he was not at all answerable for the proceedings of the gentleman who petitioned, and did not think that his consistency would be at all impeached by voting against the motion.¹²⁹ The Statute by an express provision, required that those who signed the petition against the sitting member, and who entered into recognizances, should be freeholders, and that they should take an oath of qualification. And the mere technical question with respect to a

certificate of qualification seemed to him entitled to no weight whatever. With respect to the principle upon which cases of this kind should be determined, he thought he had shown himself on all occasions anxious to sustain what was the practice of the Imperial Parliament, and he thought that if the House were to adopt this course they would best advance the interest of the Province. But while he was regardful of the practice of the Imperial Parliament in all matters where that practice could be justly and properly followed,¹³⁰ he could not sustain that practice, in defiance of the law of the land, and in defiance of the practice of the administration of Justice.¹³¹ He must be allowed to remind hon. members that in point of fact it was neither the English practice nor the Grenville Act, as his hon. friend on the left had very properly observed, which should govern in a case like this, but it was the laws of that part of the Province where the election took place.¹³² The law was in fact part of the enactments of the British Parliament itself, for the Union Act was one of the Bills of that Parliament; and it was expressly provided in that Act, that all petitions against the return of members of this House shall be proceeded upon according to the practice of that part of the Province in which the election had taken place. In this case it took place in Lower Canada, and the simple question therefore is, what is the law in Lower Canada on this subject?¹³³ The objection which the hon. member for Toronto had so ingeniously pointed out, he took to be the only point in which a doubt would be attempted to be raised. With regard to the merits of the petition itself, he would avoid expressing an opinion; he would not say it was calumnious, because it was not due to the petitioners to assume in his judicial (sic) capacity that the facts in the petition were true¹³⁴, on the contrary it was due from him to the sitting members to believe that they were not¹³⁵. But the question now was, not what facts were true or not true, but simply whether the formalities had been observed which the laws of Lower Canada require.¹³⁶ As to what the hon. member for Toronto said, about the petitioners not being electors, at the time of the election, he will find, if he looks at the Act of Lower Canada, that the clause which requires the petitioners to be electors, refers to the time at which they come before the House; and if in the present case they only acquired their property a single day before they petitioned, they are electors within the meaning of the Act¹³⁷. Will any one tell me continued Mr. Baldwin, that if I had only obtained my elective franchise yesterday, I am not interested in the manner in which the town or the county in which I reside, is represented? The case to which the hon. gentleman had referred is not a case in point, and if it were, committees on elections have never held parties so strictly to the rule.¹³⁸ He would ... call the attention of members to the fact, that in England the Grenville Act allowed any person to petition, and it was a subsequent Act which provided that no petition should be proceeded upon unless it were prosecuted, (not by electors,) but by persons claiming to have a right to vote at elections. Gentlemen would find, too, that the English authorities had not held parties very strictly even to that rule. Rogers in his book upon election petitions remarks upon this point, that "strict technical accuracy in the statement is not

required." Now I appeal to gentlemen, whether the construction attempted to be put upon the Act by the hon. member for Toronto, does not require this "strict technical accuracy," which in England is not thought necessary. It appears to me that it does, and though it seems to me that the section is strictly accurate, ... be sufficiently so without any of this strained attention to trifles. And if it were not, I think with the hon. member for Dundas, that an objection of this kind ought to have been taken up at a much earlier stage of the proceedings.¹³⁹ The hon. gentleman has referred to the elections for the West Ward of the city in 1834, but that case was entirely different: the objection there was that, instead of taking the oath prescribed by an Act in force, an oath was taken which was prescribed by an Act which was then not in existence. It was therefore no oath at all. It was not an oath on which perjury could be assigned. It was rather a profanation than a legal oath. This point has been so well answered by the hon. member for the City of Quebec, that it is not necessary for me to dwell upon it.¹⁴⁰ He would only further remark upon that part of the subject, that it was perfectly well understood, that where the legislature intended the oath to be taken in writing, the word affidavit was used¹⁴¹. If the parties had spoken of an affidavit it would have been understood, but where they speak of an oath ore tenus, according to the doctrine of the learned gentleman, perjury could not be assigned upon it.¹⁴² An oath is never to be reduced to writing unless it was specifically directed.¹⁴³ But every lawyer must be aware that this was not the case, and if the question was brought to be decided before the Queen's Bench to-morrow there could be no hesitation; it would be decided¹⁴⁴, in five minutes¹⁴⁵, in direct contradiction to the principle laid down by the learned gentleman. I contend that these objections ought never to have been brought up at this time, or else they should have been made the subject of a special petition.¹⁴⁶

MR. ((J.A.)) MACDONALD, (Kingston,) in reply to the observations of the hon member for the Fourth Riding of York,¹⁴⁷ said, that it had been attempted to draw a line between the practice in England and that in Lower Canada; but¹⁴⁸ that hon. and learned gentleman was mistaken in supposing that the law did not require parties petitioning to be resident at the place where the election took place, and that if afterwards they become residents it would be sufficient. The hon. and learned member for Quebec did not adopt that line of argument, because he saw it was an unsound one.¹⁴⁹ He knew, that although the statute respecting controverted elections did not state that parties must be electors, yet it did state, that they must take all the oaths required from electors at the poll; so that the argument of Sir Robert Peel¹⁵⁰ applied equally well to this case as to one in which he used it - "that it was the principle of common law, as well as common sense, that no person should come to complain unless he have the right of complaining of some grievance." The elective franchise was a legal right on which an action would lie. No doubt all persons were more or less interested in the freedom of elections, but that public right was not sufficient¹⁵¹. It could not be contended that they had sustained a wrong, and it would be out of their power to make the affidavit

which is required by the statute.¹⁵² It was necessary that it should be the peculiar privilege of the person complaining. He contended that the law was the same in effect in England as in Lower Canada, and the same argument must apply with equal force to both cases.¹⁵³ He contended that the first ground of objection was not answered in any way, because the law of Lower Canada upon this point was the same as the law of England. And the argument used must apply with equal force in the one case as in the other. The second ground of objection he thought was equally unanswerable.¹⁵⁴ Mr. Laframboise had certified that certain gentlemen had taken the oath prescribed by law, now there was one series of oaths for freeholders, and one for tenants; and it certainly should appear on the face of the document whether the oaths taken were or were not according to the statute. But it had occurred to him, that one of the allegations in the petition was that the Returning Officer had administered unlawful oaths, and when they found that he did this, surrounded by the agents of the candidates, was it too much to suppose, that the magistrate in his private room might perhaps have followed his example. The magistrate was himself the only judge of the legality of the oath.¹⁵⁵ But he contended that that House was the only competent judge as to whether the oath had been administered according to law.¹⁵⁶ The last objection was that the recognizances had been put in by persons who did not appear to be freeholders, and on that point the House would find in the petition by Mr. Gagy, against a return at St. Maurice, a precedent on the authority of which it would acknowledge that the recognizances must be put in by freeholders¹⁵⁷, no matter what amount of personal property they might possess¹⁵⁸, and that the fact of their being freeholders must appear upon the face of the petition.¹⁵⁹ It seemed to him, therefore, upon all these grounds, that the petition could not be supported, and to settle the precedent, he would move that the further consideration of the question be deferred until the 11th day of January next.¹⁶⁰

(84)

Mr. Macdonald of Kingston then moved, seconded by Mr. Smith of Frontenac,

That the further consideration of the question be adjourned until Saturday, the eleventh day of January next.

MR. SMALL said he would not have risen to offer a single word upon this occasion, but that he thought the motion of learned Solicitor General was out of order. This day was appointed for taking this petition into consideration, for taking into consideration whether the allegations contained in it were sufficient to make void the election of the members for Montreal. As far as his Parliamentary knowledge went, he believed the question was one which should have been mooted at the time of the reception of the petition, and not after the House had appointed a day for its consideration; he thought, therefore, that the whole discussion had been out of order. But it had been allowed to go on, and -161

The Speaker ((SIR ALLAN MACNAB)) observed, that the question now was for postponement.¹⁶²

MR. SMALL said he hoped the question would not be postponed, the House having resolved to go into a discussion of the merits of the petition to-day; it was as imperative upon them to do so as it was to strike the committees in the Upper Canada cases; he would, therefore, vote against the amendment.¹⁶³

MR. ERMATINGER said he had a few remarks to offer, and believed he could not be accused of trespassing often upon the attention of the house. This question had been discussed throughout by lawyers, and he observed that they were all at sixes and sevens. Now he was not sent here by lawyers, or to be guided by lawyers' opinions, but to act upon his own convictions. It could not be expected that he could be well acquainted with Parliamentary usages; had he been so, he would have resisted the reception of the petition, - for his opinion was, that the allegations contained in it were unfounded, (hear, hear.) They were not sustained by any testimony; and he was bound to vote, therefore, in such a way as not to involve the house in unnecessary trouble. He would vote for the amendment.¹⁶⁴

MR. DRUMMOND ... requested to be excused from voting upon the above discussion, inasmuch as he had himself been a candidate at the election in question¹⁶⁵.

He was excused accordingly.¹⁶⁶

MR. SMALL rose to address the chair upon a point of order. It appeared to him that there was the extreme of delicacy on the part of the hon. member who had declined voting.¹⁶⁷

Mr. Small was called to order.¹⁶⁸

(84)

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Boulton, Brooks, Chalmers, Colvile, Daly, Dickson, Duggan, Dunlop, Ermatinger, Foster, Gowan, Greive, Hale, Jessup, Johnston, Lawrason, Macdonald of KINGSTON, Macdonell of DUNDAS, McConnell, Meyers, Murney, Papineau, Petrie, Prince, Riddell, Robinson, Scott, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Webster and Williams--(32.)

NAYS.

Armstrong, Aylwin, Baldwin, Berthelot, Bertrand, Boutillier, Cameron, Cauchon, Chabot, Chauveau, Christie, Desainier, DeWitt, Franchère, Jobin, Lacoste, LaFontaine, Lantier, Laurin, LeMoine, Leslie, Méthot, Morin, Nelson, Powell, Price, Rousseau, Small, Smith of WENTWORTH, Taché, and Thompson--(31.)

So it was carried in the affirmative, and
Ordered accordingly.

On motion of the Honourable Mr. Solicitor General Sherwood, seconded by Mr. Duggan,

Megantic
Election.

Resolved, That the Petition of Charles Richard Porter and others, freeholders and electors of the county of Megantic, complaining of the undue election and return of the Honourable Dominick Daly, be taken into consideration on Saturday, the eleventh day of January next, in lieu of this day, as before appointed by this House.

The Honourable Mr. Attorney General Smith rose in his place and acquainted Mr. Speaker, and the House, that His Excellency, the Governor General, will receive this House, with its Addresses, to-morrow at half-past three o'clock, P.M., at the Government House.

On motion of Mr. Scott, seconded by Mr. Macdonell of Dundas,

St. Hyacinthe
Election.

Resolved, That the Petition of Leonard Boivin and others, electors of the county of St. Hyacinthe, complaining of the undue election and return of Thomas Boutillier, Esquire, be taken into consideration on Wednesday the fifteenth day of January next, in lieu of this day, as before appointed by this House.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor General.

Laws, &c.,
Printed.

Return to an Address of the Legislative Assembly bearing date the 9th instant, to His Excellency, the Governor General, requesting that His Excellency would order the proper officer to lay before the House a Statement of the manner in which the laws and other official public documents are printed, together with an account of the expenses thereof, and other matters connected therewith.

INSPECTOR GENERAL'S OFFICE,
Montreal, 16th December, 1844.

SIR,

In obedience to the command of His Excellency, the Governor General, referring to this Department the Address from the Legislative Assembly of the 9th instant, requesting a statement of the manner in which the Laws

(85)

and other Public Documents are printed, with an account of the expenses thereof, &c., I have the honour to transmit a copy of the tariff for printing allowed to the Queen's Printer, approved by a Minute of the Honourable the Executive Council of the 21st and 23rd March, 1843, and a statement of expenses.

I have, &c.

JOS. CARY,
Deputy Inspector General.

The Honourable D. DALY,
Provincial Secretary.

AN ACCOUNT of the Expenses incurred in printing the Laws of the Province and other official Public Documents, and expenses connected therewith, furnished pursuant to an Address from the Honourable the Legislative Assembly, of the 9th December, 1844.

	Sterling dollars at 4s. 6d.					
PRINTING THE LAWS. <u>Paid in 1842.</u>	£	s.	d.	£	s.	d.
Printing Acts of 1841	3630	5	9			
" Reserved Acts	670	5	3			
				4300	11	0
" Reserved Acts of 1842	140	10	0			
" Acts of 1842	1266	3	3			
				1406	13	3
				£5707	4	3

PRINTING OF OFFICIAL PUBLIC
DOCUMENTS.

Paid in 1842.

Publication and Proclamations, 1842
Publishing in Canada Gazette
" Quebec Gazette
Proclamations do do
Publishing Union Act do
" Acts, 1842, do
Printing in Upper Canada Gazette

£ s. d.

244 11 3
332 13 8
355 12 2
143 19 6
26 17 7
121 18 3
294 9 3

£ s. d.

1520 1 8

Paid in 1843.

Printing in Canada Gazette, six
months to 31st Dec., 1842
Printing in Canada Gazette, six
months to 30th June, 1843
Publishing in Upper Canada Gazette,
to 30th June, 1843
Publishing in Quebec Gazette,
to 30th June, 1843

269 4 0
359 9 0
130 13 9
85 6 7

844 13 4

£2364 15 0

Other Expenses connected with Printing
the Laws and Official Public Documents.
Paid in 1842.

Distributing Acts of 1841
On account of Printing Revised Statutes
of Upper Canada
Translation of Public Documents
Distributing the Laws
Printing Forms under Census Acts
Distributing the same
Printing French Version of Index Laws
of Lower Canada
Translation of Laws
Distributing Acts of 1842, Canada East
" " " Canada West
100 copies Judicature Bill

135 0 0
450 0 0
50 0 0
192 1 2
448 15 6
254 3 7
68 12 6
350 0 0
104 10 0
75 14 6
21 15 5

2150 12 8

Paid in 1843.

Printing Revised Statutes of Canada West

675 0 0

	£	s.	d.	£	s.	d.
<i>Printing Tables Revised do Canada East</i>	480	0	0			
<i>Translation of Public Documents</i>	50	0	0			
<i>Printing Tables, Acts, Ordinances and</i>						
<i>Revised Statutes of 1842</i>	240	0	0	1445	0	0
<i>Total Sterling</i>				£3595	12	8
RECAPITULATION.						
	1842.			1843.		
<i>Printing the Laws</i>	4300	11	0	1406	13	3
<i>" Official Documents</i>	1520	1	8	844	13	4
<i>Other Expenses connected therewith</i>	2150	12	8	1445	0	0
<i>Total Sterling</i>	£ 7971	5	4	3696	6	7

JOS. CARY,
Deputy Inspector General.

INSPECTOR GENERAL'S OFFICE,
Montreal, 16th December, 1844.

TARIFF for printing allowed the *Queen's Printer*, approved by Minute of the Executive Council of 21st and 23rd March, 1843.

	Composition, per 1000 ems.	Press work, per 200 Impressions.	Paper, per Ream or Quire.
<i>For Laws, on good Paper, Demy size, required to be Printed with great care and expedition, in both Languages, viz.</i>	s. d. 3 3	s. d. 5 0	£ s. 1 10
<i>" Reports, &c., on fine Folio Post</i>	2 9	4 3	{ Per Quire 2s. 8d. to 3s. 3d.

	s.	d.	s.	d.	£	s.
For Reports &c. on Foolscap	2	9	2	6		
" Circulars &c.	2	9	2	6		

The papers will vary according to quality and size, from 7½d. to 2s. 3d. per quire, for Foolscap and Letter Paper; that generally made use of by Government is from 1s. 8d. to 2s. per quire.

The above works are to be executed with care, to be well dried, pressed and glazed.

For publishing in the Canada Gazette, Upper Canada Gazette, and Quebec Gazette, Acts of the Legislature, Proclamations and other official notices.

For first insertion, per line 4d. Currency.
Each subsequent " " 1d. "

Certified,

JOS. CARY,
Deputy Inspector General.

INSPECTOR GENERAL'S OFFICE,
Montreal, 16th December, 1844.

On motion of Mr. Boulton, seconded by Mr. Robinson,

3rd Riding
York, con-
tested Elec-
tion.

Resolved, That the Petition of Robert Harrison and others, electors of the Third Riding of York, complaining of the undue election and return of the Honourable James Edward Small, be taken into consideration, by consent of parties, to-morrow at one o'clock, P.M., in lieu of this day, as before appointed by this House.

Ordered, That when the House doth adjourn, it will adjourn until to-morrow at one o'clock, P.M.

Nuns of Ursu-
line Convent,
Three Rivers.

Ordered, That the Bill to authorise the Nuns of the Ursuline Convent at Three Rivers to acquire and hold additional real and moveable property to a certain amount, be read a second time on Tuesday, the fourteenth day of January next.

Mr. Dunlop, from the Committee of the whole House on the first Report of the Standing Committee on Contingencies, reported, according to order, the resolution of the said Committee, which resolution was again read at the Clerk's table and agreed to by the House, and is as followeth:--

Current
expenses
of House.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to issue his warrant in favour of William Burns Lindsay,

Esquire, Clerk of this House, for the sum of four thousand pounds, currency, towards defraying the current expenses of this House during the late recess and present Session, and assuring His Excellency that this House will make good the same.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

(86)

Then, on motion of the Honourable Mr. Attorney General Smith, seconded by the Honourable Mr. Papineau,

The House adjourned.

FOOTNOTES - 19 DECEMBER 1844.

1. ST. CATHARINES JOURNAL, 2 January 1845. This speech was also noted in KINGSTON NEWS, 26 December 1844.
2. ST. CATHARINES JOURNAL, 2 January 1845.
3. IBID.
4. IBID.
5. This debate was reported by: L'AUORE, 21 December 1844; KINGSTON NEWS, 26 December 1844; PILOT, 20, 23 December 1844; LA MINERVE, 23 December 1844; MONTREAL GAZETTE, 21 December 1844; BRITISH COLONIST, 27 December 1844, and GLOBE, 7 January 1845, in accounts which were identical except that the report in the GAZETTE was longer than that in the other two papers; and BRITISH WHIG, 24 December 1844, copied from MONTREAL HERALD. There was a commentary in LE JOURNAL DE QUEBEC, 24 December 1844. The KINGSTON NEWS noted, "The knowledge that the matter was to be brought before the House yesterday evening had attracted a large assemblage of the citizens of Montreal: the galleries were crowded; and a large number of ladies graced the seat set apart for them while on the other side sat several "most grave and reverend seniors," members of the Legislative Council."
6. MONTREAL GAZETTE, 21 December 1844.
7. IBID.
8. BRITISH WHIG, 24 December 1844.
9. MONTREAL GAZETTE, 21 December 1844.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. BRITISH WHIG, 24 December 1844.
17. MONTREAL GAZETTE, 21 December 1844.
18. BRITISH WHIG, 24 December 1844.
19. MONTREAL GAZETTE, 21 December 1844.
20. BRITISH WHIG, 24 December 1844.
21. MONTREAL GAZETTE, 21 December 1844.
22. BRITISH WHIG, 24 December 1844.
23. MONTREAL GAZETTE, 21 December 1844.
24. BRITISH WHIG, 24 December 1844.
25. MONTREAL GAZETTE, 21 December 1844.
26. BRITISH WHIG, 24 December 1844.
27. MONTREAL GAZETTE, 21 December 1844.
28. BRITISH WHIG, 24 December 1844.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. MONTREAL GAZETTE, 21 December 1844.
34. BRITISH WHIG, 24 December 1844.
35. MONTREAL GAZETTE, 21 December 1844.

36. BRITISH WHIG, 24 December 1844. The ellipsis represents lines which have been cut away from the paper.
37. MONTREAL GAZETTE, 21 December 1844.
38. BRITISH WHIG, 24 December 1844.
39. IBID.
40. IBID.
41. MONTREAL GAZETTE, 21 December 1844.
42. BRITISH WHIG, 24 December 1844.
43. MONTREAL GAZETTE, 21 December 1844.
44. BRITISH WHIG, 24 December 1844.
45. MONTREAL GAZETTE, 21 December 1844.
46. BRITISH WHIG, 24 December 1844.
47. MONTREAL GAZETTE, 21 December 1844.
48. BRITISH WHIG, 24 December 1844.
49. MONTREAL GAZETTE, 21 December 1844.
50. BRITISH WHIG, 24 December 1844.
51. MONTREAL GAZETTE, 21 December 1844.
52. BRITISH WHIG, 24 December 1844.
53. IBID.
54. MONTREAL GAZETTE, 21 December 1844.
55. BRITISH WHIG, 24 December 1844.
56. MONTREAL GAZETTE, 21 December 1844.
57. BRITISH WHIG, 24 December 1844.
58. MONTREAL GAZETTE, 21 December 1844.
59. BRITISH WHIG, 24 December 1844.
60. MONTREAL GAZETTE, 21 December 1844.
61. BRITISH WHIG, 24 December 1844.
62. MONTREAL GAZETTE, 21 December 1844.
63. BRITISH WHIG, 24 December 1844.
64. MONTREAL GAZETTE, 21 December 1844.
65. BRITISH WHIG, 24 December 1844.
66. MONTREAL GAZETTE, 21 December 1844.
67. BRITISH WHIG, 24 December 1844.
68. MONTREAL GAZETTE, 21 December 1844.
69. BRITISH WHIG, 24 December 1844.
70. MONTREAL GAZETTE, 21 December 1844.
71. BRITISH WHIG, 24 December 1844.
72. MONTREAL GAZETTE, 21 December 1844.
73. BRITISH WHIG, 24 December 1844.
74. MONTREAL GAZETTE, 21 December 1844.
75. BRITISH WHIG, 24 December 1844.
76. MONTREAL GAZETTE, 21 December 1844.
77. BRITISH WHIG, 24 December 1844.
78. IBID.
79. MONTREAL GAZETTE, 21 December 1844.
80. BRITISH WHIG, 24 December 1844.
81. MONTREAL GAZETTE, 21 December 1844.
82. BRITISH WHIG, 24 December 1844.
83. MONTREAL GAZETTE, 21 December 1844.
84. BRITISH WHIG, 24 December 1844.

85. MONTREAL GAZETTE, 21 December 1844.
86. BRITISH WHIG, 24 December 1844.
87. MONTREAL GAZETTE, 21 December 1844.
88. BRITISH WHIG, 24 December 1844.
89. MONTREAL GAZETTE, 21 December 1844.
90. BRITISH WHIG, 24 December 1844.
91. MONTREAL GAZETTE, 21 December 1844.
92. BRITISH WHIG, 24 December 1844.
93. MONTREAL GAZETTE, 21 December 1844.
94. IBID.
95. LA MINERVE, 23 December 1844.
96. BRITISH WHIG, 24 December 1844.
97. GLOBE, 7 January 1845.
98. BRITISH WHIG, 24 December 1844.
99. GLOBE, 7 January 1845.
100. BRITISH WHIG, 24 December 1844.
101. GLOBE, 7 January 1845.
102. BRITISH WHIG, 24 December 1844.
103. GLOBE, 7 January 1845.
104. BRITISH WHIG, 24 December 1844.
105. GLOBE, 7 January 1845.
106. BRITISH WHIG, 24 December 1844.
107. GLOBE, 7 January 1845.
108. BRITISH WHIG, 24 December 1844.
109. GLOBE, 7 January 1845.
110. BRITISH WHIG, 24 December 1844.
111. GLOBE, 7 January 1845. Gowan's speech in the GLOBE is much more legible than in the MONTREAL GAZETTE, 21 December 1844.
112. BRITISH WHIG, 24 December 1844.
113. MONTREAL GAZETTE, 21 December 1844.
114. BRITISH WHIG, 24 December 1844.
115. MONTREAL GAZETTE, 21 December 1844.
116. BRITISH WHIG, 24 December 1844.
117. MONTREAL GAZETTE, 21 December 1844. BRITISH WHIG, 24 December 1844, uses the word "plaintiffs" instead of "defendants".
118. BRITISH WHIG, 24 December 1844.
119. MONTREAL GAZETTE, 21 December 1844.
120. BRITISH WHIG, 24 December 1844.
121. MONTREAL GAZETTE, 21 December 1844.
122. BRITISH WHIG, 24 December 1844.
123. MONTREAL GAZETTE, 21 December 1844.
124. BRITISH WHIG, 24 December 1844.
125. MONTREAL GAZETTE, 21 December 1844.
126. IBID.
127. BRITISH WHIG, 24 December 1844.
128. GLOBE, 7 January 1845.
129. BRITISH WHIG, 24 December 1844. The ellipsis represents lines which have been cut away from the paper.
130. GLOBE, 7 January 1845.

131. BRITISH WHIG, 24 December 1844.
132. GLOBE, 7 January 1845.
133. BRITISH WHIG, 24 December 1844.
134. GLOBE, 7 January 1845.
135. BRITISH WHIG, 24 December 1844.
136. IBID.
137. IBID.
138. GLOBE, 7 January 1845.
139. BRITISH WHIG, 24 December 1844. The ellipsis represents a line which has been cut away from the paper.
140. GLOBE, 7 January 1845.
141. BRITISH WHIG, 24 December 1844.
142. GLOBE, 7 January 1845.
143. BRITISH WHIG, 24 December 1844.
144. GLOBE, 7 January 1845.
145. BRITISH WHIG, 24 December 1844.
146. GLOBE, 7 January 1845. Baldwin's speech is much clearer in the GLOBE than in the MONTREAL GAZETTE, 21 December 1844.
147. GLOBE, 7 January 1845.
148. BRITISH WHIG, 24 December 1844.
149. GLOBE, 7 January 1845.
150. BRITISH WHIG, 24 December 1844. GLOBE, 7 January 1845, has Sir Wm. Follett rather than Sir Robert Peel as the authority in question.
151. BRITISH WHIG, 24 December 1844.
152. GLOBE, 7 January 1845.
153. BRITISH WHIG, 24 December 1844.
154. GLOBE, 7 January 1845.
155. BRITISH WHIG, 24 December 1844.
156. GLOBE, 7 January 1845.
157. BRITISH WHIG, 24 December 1844.
158. GLOBE, 7 January 1845.
159. BRITISH WHIG, 24 December 1844.
160. GLOBE, 7 January 1845. Macdonald's speech is much clearer in the GLOBE than in the MONTREAL GAZETTE, 21 December 1844.
161. GLOBE, 7 January 1845. Small's speech is much more legible in the GLOBE than in the MONTREAL GAZETTE, 21 December 1844.
162. GLOBE, 7 January 1845. MacNab's speech is much more legible in the GLOBE than in the MONTREAL GAZETTE, 21 December 1844.
163. GLOBE, 7 January 1845. Small's speech is much more legible in the GLOBE than in the MONTREAL GAZETTE, 21 December 1844.
164. GLOBE, 7 January 1845. Ermatinger's speech is much more legible in the GLOBE than in the MONTREAL GAZETTE, 21 December 1844.
165. GLOBE, 7 January 1845. Drummond's speech is much more legible in the GLOBE than in the MONTREAL GAZETTE, 21 December 1844.
166. GLOBE, 7 January 1845. This speech is much more legible in the GLOBE than in the MONTREAL GAZETTE, 21 December 1844.
167. GLOBE, 7 January 1845. Small's speech is much more legible in the GLOBE than in the MONTREAL GAZETTE, 21 December 1844.
168. GLOBE, 7 January 1845. This speech is much more legible in the GLOBE than in the MONTREAL GAZETTE, 21 December 1844.

FRIDAY, 20 DECEMBER 1844.

(86)

Election, 3rd.
Riding York.

THE hour appointed for taking into consideration the Petition of Robert Harrison and others, electors of the Third Riding of York, complaining of the undue election and return of the Honourable James Edward Small as a Member to represent the said Third Riding of York in this present Parliament, being come,

The House proceeded to the appointment of a Select Committee to try and determine the merits of the said Petition.

The Sergeant-at-Arms was directed by Mr. Speaker to go with the Mace to the places adjacent, and require the attendance of the Members on the business of the House,

And he went accordingly.

And, being returned, the House was called, and more than thirty members being present,

Mr. Speaker called upon the Petitioners, their counsel or agent, to appear at the Bar.

W. H. Boulton, Esquire, a Petitioner on behalf of himself and the other Petitioners, appeared at the Bar.

Mr. Speaker called upon the Sitting Member, his counsel or agent, to appear.

Mr. Small, Sitting Member for the said Third Riding of York, appeared in his place in his own behalf.

Mr. Boulton, one of the Petitioners, presented a list of witnesses in behalf of himself and the other Petitioners, which was read by the Clerk as follows:

NAMES.	RESIDENCE.
Andrew Mercer, Esquire,	City of Toronto.
Wm. Cawthra, do	do
Christopher Widmer, do	do
William Proudfoot, do	do
Clarke Gamble, do	do
John H. Haggarty, do	do
William B. Jarvis, do	do
Joshua G. Beard ...	do
John Ridout ...	do
Charles C. Small ...	do
Walter M'Kenzie ...	do

NAMES.	RESIDENCE.
Alexander Dixon	City of Toronto.
Robert Beard	do

Mr. Small handed in a list of the witness required in behalf of himself as the Sitting Member for the Third Riding of York, which was also read by the Clerk, as follows:--

F. Fortier, Esquire, Clerk of the Crown in Chancery.			
Francis Leys, Returning Officer; with the oath of qualification made before him by the Sitting Member.			
John Radenhurst, Esquire, of the City of Toronto.			
Edward Shea, Deputy Returning Officer for the Township of Whitby.			
William Botsford Jarvis, Esquire, Sheriff of the Home District.			
Alexander Grant, Esquire, City of Toronto.			
Thos. G. Ridout, do	Cashier of the Bank of Upper Canada.		
Clarke Gamble, do	City of Toronto.		
Charles C. Small, do	do do.		
John Dempsey, do	Clerk in the Crown Office.		
George Ridout, do	of the City of Toronto.		
George P. Ridout, do	do do		
Edward Goldsmith, do	do do		
John F. Small, do	do do		
Sheldon Ward, do	do do		Gent.
John Harper, do	do do		
Joshua G. Beard, do	do do		
Hy. E. Nicholl, do	Land Agent of the City of Toronto.		
Andrew Mercer, do	City of Toronto.		
Jas. R. Gowan, do	of Barrie, Dist. of Simcoe.		
John Strathy, do	City of Toronto.		
Henry Latham, do	do do		
John Bell, do	do do		
Archibald Clendenning or Glendinning, Deputy Returning Officer for the Township of Scarborough.			
Thomas Hilliwell, Esquire, City of Toronto.			
John Ewart, do do do			
Henry John Boulton, do do do			
Corry Coulson, Gentleman, do do			
T. C. M'Cord, Esquire, do do			

And all such other persons as are witnesses to the execution of certain deeds of bargain and sale in fee simple from several grantors of lands in the said deeds mentioned, to the said James Edward Small, the names of which witnesses cannot be ascertained without reference to the several deeds which are now in Toronto.

J. E. SMALL.

Mr. Speaker then desired the Sergeant-at-Arms to lock the door.

And the doors being locked accordingly, and the Order of the Day for taking the said Petition into consideration being read, the attestation of Mr. Speaker was taken from off the box, in which, agreeably to the Statute, the names of all the Members of the House were sealed up, and the same was read by the Clerk as follows:--

I attest that this box was on Wednesday, the eighteenth day of December, 1844, made up in my presence, in the manner directed by an Act passed in the fourth year of the Reign of His late Majesty King George the Fourth, intituled, "An Act to repeal an Act passed in the forty-fifth year of His late Majesty's Reign, intituled, 'An Act to regulate the trial of Controverted Elections, or Returns of Members to serve in the House of Assembly,' and to make more effectual provision for such trials."

ALLAN N. MACNAB,
Speaker.

The box was then opened, and the attestation of the Clerk was taken out of the box, and read by him as follows:--

I attest that I did on Wednesday, the eighteenth day of December, 1844, in the presence of the Speaker of this House, put into a box, in which this attestation is found, the names of all the Members composing the present House of Assembly, written upon slips of parchment, and rolled up as directed by an Act passed in the fourth year of the Reign of His late Majesty King George the Fourth, intituled, "An Act to repeal an Act passed in the forty-fifth year of His late Majesty's Reign, intituled, 'An Act to regulate the trial of Controverted Elections, or Returns of Members to serve in the House of Assembly,' and to make more effectual provision for such trials."

W. B. LINDSAY,
Clerk of Assembly.

The names of all the Members were taken out of the box, and put into three other boxes.

The drawing of the names was then proceeded in, in the usual manner, and the following names were drawn, to which no objection was taken:--

(87)

1 Macdonald, of DUNDAS,
2 Smith, of FRONTENAC,
3 Lawrason,
4 Meyers,
5 LaFontaine,
6 Morin,

7 Taché,
8 Leslie,
9 Cauchon,
10 Laurin,
11 Christie,
12 Colville,

13 Scott,
 14 Hale,
 15 Foster,
 16 Stewart, of BYTOWN,
 17 Prince,
 18 Berthelot,

19 Murney,
 20 Papineau,
 21 Attorney General Smith,
 22 Chauveau,
 23 Gowan.

Twenty other names were drawn and set aside, or excused, as follows:--

Five against whom Petitions are pending.

One whose name is attached to the Petition.

Six names were also drawn of Members serving on other elections.

Eight names were also drawn of Members who were absent.

Mr. Macdonald, of Kingston, was chosen nominee for the Petitioners.

The Honourable Mr. Aylwin was chosen nominee for the sitting Member.

At half-past two o'clock, P. M., the parties, with Mr. Alfred Todd, Clerk to the Select Committee, retired for the purpose of striking the said Committee.

At ten minutes to three o'clock, P. M., the Clerk of the Select Committee, delivered to the Clerk of the House, a list containing the names of the nine Members unstruck, composing the Select Committee, which is as follows:--

1 Macdonald, of DUNDAS,
 2 Laurason,
 3 Meyers,
 4 Taché,
 5 Laurin,

6 Scott,
 7 Hale,
 8 Berthelot,
 9 Attorney General Smith

Nominee for the Petitioner, Mr. Macdonald of Kingston.

Nominee for the Sitting Member, Honourable Mr. Aylwin.

ALFRED TODD,
Clerk to Committee.

The said nine Members and the nominees were then severally sworn at the table by the Clerk in the usual manner.

On motion of Mr. Boulton, seconded by the Honourable Mr. Solicitor General Sherwood,

Ordered, That the Committee appointed to try the Petition of Robert Harrison and others, electors of the Third Riding of York, complaining of the undue election and return of the Honourable James Edward Small, do meet in Committee Room No. 6 of this House, this evening at five o'clock, P. M.

On motion of the Honourable Mr. Attorney General Smith, seconded by the Honourable Mr. Papineau,

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Chancery to make out a new Writ for the election of one Member to serve in the present Provincial Parliament for the county of Simcoe, in the room of William B. Robinson, Esquire, who, since his last election, hath accepted the office of Inspector General of Accounts.

House attends
His Excellency.

A Message was brought by Frederick Starr Jarvis, Esquire, Gentleman Usher of the Black Rod:--

MR. SPEAKER,

His Excellency, the Governor General, desires the immediate attendance of this Honourable House in the Legislative Council Chamber.

Accordingly, Mr. Speaker, with the House, went to the Council Chamber,

And, being returned,

Bills assented to.

Mr. Speaker reported, that agreeable to the commands of His Excellency, the Governor General, the House hath attended His Excellency in the Legislative Council Chamber, where His Excellency was pleased to give, in Her Majesty's name, the Royal Assent to the following Public and Private Bills:--

Agricultural
Produce.

An Act to continue for a limited time the Act for imposing Duties on Agricultural Produce and Live Stock imported into this Province,

Distilleries.

An Act to amend the laws now in force, imposing a Duty upon Distilleries in any part of the Province of Canada.

Montgomery
Estate.

An Act to vest in John Montgomery and Thomas Ewart the property forfeited to the Crown by the attainder of the said John Montgomery.

At the hour appointed, Mr. Speaker, and the House, attended upon His Excellency, the Governor General, with the Addresses of the House,

And, being returned,

Mr. Speaker reported that the House had attended upon His Excellency, the Governor General, with their Congratulatory Addresses to the Queen and Prince Albert, on the Birth of another Prince; and the Addresses to His Excellency praying that he will transmit the said Addresses to Her Majesty's Government in England; to which His Excellency was pleased to make the following answer:--

Gentlemen of the Legislative Assembly,

Addresses to
Queen and
Prince Albert.

I shall have great pleasure in transmitting to Her Majesty's Secretary of State, for the purpose of being laid before the Queen and His Royal Highness Prince Albert, your Addresses on the Birth of a Prince.

Mr. Speaker also reported that the House had attended upon His Excellency, the Governor General, with their Address to the Queen on the subject of the political offenders, and the Address to His Excellency praying that he will transmit the said Address to Her Majesty's Government in England, to which His Excellency was pleased to make the following answer:--

Gentlemen of the Legislative Assembly,

Political Of-
fenders.

It will be my duty to forward your Address to Her Majesty, to be laid at the foot of the Throne, and there can be no doubt of Her Majesty's

Gracious disposition to meet your wishes on all occasions; but I have great satisfaction in informing you, and it cannot fail to be gratifying to you to learn, that they have in this instance been anticipated with regard to the pardon of all Political Offences by Her Majesty's spontaneous clemency. A general and nearly unlimited amnesty has been in interrupted and incessant progress during the whole period of my administration of the Government of this Province. All political offenders have already been pardoned, or their pardon is in the course of being obtained, in whose behalf applications have been made by themselves or their friends. The only exceptions, and those extremely few, have been in those cases in which other crimes of peculiar atrocity against the community or against individuals have been superadded, and which it has been deemed that pardon would be manifest injustice to some of Her Majesty's faithful subjects.

(88)

Petitions
brought up.

The following Petitions were severally brought up and laid on the table:--

By Mr. Colville, the Petition of C. Larocque and others, inhabitants of the county of Beauharnois.

By Mr. Lacoste, the Petition of the Reverend P. M. Mignault and others, of the west side of the Basin of Chambly (relating to a road.)

By Mr. Attorney General Smith, the Petition of Stevens Baker and others, inhabitants of the counties of Missisquoi and Rouville.

By Mr. Cummings, the Petition of Orange Schryer, of the township of Bertie, in the district of Niagara.

By Mr. Dickson, the Petition of William Dickson and others, inhabitants of the district of Gore, residing on the Grand River.

By Mr. Jobin, the Petition of Benjamin Brewster and others, proprietors and landholders, residing in the neighbourhood of the city of Montreal.

By Mr. Chabot, the Petition of the Mayor, Aldermen, and citizens of the city of Quebec (relating to Dorchester bridge.)

By Mr. Ermatinger, the Petition of A. M'Kinnon and William F. Wallace, on behalf of the inhabitants of Bayham and the adjoining townships, in the district of London.

By Mr. Greive, the Petition of Pierre Vezina, Esquire, in behalf of the inhabitants of the town of Three Rivers.

By Mr. LeMoine, the Petition of Charles DeWitt and others, inhabitants of the seigniory and parish of St. Joachim de Chateauguay.

Petitions read.

Pursuant to the Order of the Day, the following Petitions were read:--

Of Messieurs James G. Heath & Co., and others, merchants of the cities of Quebec and Montreal, praying that one half of the duty exacted on certain Bastard Sugars, imported by them may be refunded to them.

Of the Municipal Council of the Municipal district of Missisquoi, praying for a sum of money to enable the Board of Works to make a planked road from the Stanbridge upper mills to Jones' bridge on the Richelieu.

Of the Municipal Council of the Municipal district of Missisquoi, praying that the district of Missisquoi may be re-established as it existed before the passing of the Judicature Act of last Session.

Of the Honourable Vallières de St. Réal, Chief Justice of Montreal, praying for the repeal of the Act for the establishment of the "Royal

Institution for the advancement of learning," and for other objects.

County of Nor-
folk Election.

Of Edward Foster and others, freeholders of the township of Walsingham, county of Norfolk, setting forth:--

That your Petitioners are freeholders residing in the Township of Walsingham, in the County of Norfolk, in the Talbot District, and are duly qualified to exercise the right of suffrage, according to law.

That during the late Election of a Member for the above named County, to serve in the Legislative Assembly, then being holden in the said Township of Walsingham, the Deputy Returning Officer, (Titus Williams), at twenty-one minutes past two o'clock, on the second day of the said Election, being Saturday, the twenty-sixth day of October last, refused to allow your Petitioners to vote, we having more than once demanded of him the exercise of this our inestimable privilege.

That the said Deputy Returning Officer alleged the reason of his not allowing us to vote, was, because the Qualification of Israel W. Powell was not produced.

That it was the intention of your Petitioners to have voted for the said Israel W. Powell.

Furthermore, your Petitioners most earnestly pray that your Honourable Body will render such justice in this case, as you, in the protection of this most important of our rights as British subjects, shall see fit and proper.

Petitions read.

Of Benjamin Brewster and others, landholders, residing in the vicinity of the city of Montreal, praying for amendments to the Act passed last Session relating to the commutation of tenure in the Fiefs Nazareth, St. Augustin, and St. Joseph.

Of Charles H. Lassiseraye, of the town of Three Rivers, praying for arrears of salary as chief Teacher of the late Society of Education of the town of Three Rivers.

Of the Reverend Joseph Abbott, Master of Arts, praying to be compensated for having written and published a work on Emigration.

Of W. Dunlop, Esquire, and others, inhabitants of Williams, and other townships in the Huron tract, Canada West, praying for the passing of an Act to compel Mr. Bruster to provide a free and unmolested passage for fish, at his Mill dam.

Cobourg
Police.

Resolved, That the Petition of the President and Board of Police of the town of Cobourg, be

referred to a Select Committee, composed of Mr. Meyers, Mr. Williams, Mr. Hale, Mr. Macdonald of Cornwall, and Mr. Sherwood of Brockville, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers and records.

John R. Gemmill. Ordered, That the Petition of John R. Gemmill, of the town of Lanark, in the district of Bathurst, be referred to the Special Committee, to which was referred the Bill to extend the provisions of the thirteenth section of an Act of the Province of Canada, intituled "An Act for the disposal of public lands," and to enable persons who located on lands prior to the fourth April, 1839, to perfect their titles to the same.

George Stevenson and others. Ordered, That the Petition of George Stevenson and others, inhabitants of the northern townships of the county of Kent, in the Western district, be referred to the Select Committee, to which was referred the Petition of Daniel Hoover and others, inhabitants of the county of Haldimand; the Petition of James A. Applebee and others, inhabitants of the county of Haldimand; and the Petition of Robert F. Cooke and others, inhabitants of the county of Haldimand, and other references.

J. Miller and others. Resolved, That the Petition of James Miller and others, late School Commissioners for the townships of Sarnia, be referred to a Select Committee, composed of Mr. Cameron, Mr. Roblin, Mr. Macdonell of Stormont, Mr. Dickson, and Mr. Williams, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Rev. J. Paquin and others. Resolved, That the Petition of the Reverend J. Paquin and others, of the parish of St. Eustache, be referred to a Select Committee, composed of Mr. Scott, the Honourable Mr. LaFontaine, Mr. Leslie, Mr. Macdonell of Dundas, and Mr. Colville, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers and records.

(89)

A. Lozeau and others. Ordered, That the Petition of Antoine Lozeau and others, inhabitants of the seigniory of La Baie St. Antoine, commonly called Baie du Febvre, be referred to the Select Committee to which was referred the Petition of Francis Cottrell and others, freeholders and censitaires of the seigniory of St. Antoine de La Baye in the county of Yamaska.

Ordered, That the Honourable Mr. DeBleury and Mr. Guillet, be added to

the said Committee.

Henry Burritt and others. Resolved, That the Petition of Henry Burritt and others, inhabitants of the district of Johnstown, be referred to a Select Committee, composed of Mr. Jessup, Mr. Sherwood of Brockville, Mr. Gowan, Mr. Seymour, Mr. Macdonell of Dundas and Mr. Stewart of Bytown, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Richard Ham and others. Ordered, That the Petition of Richard Ham and others, Elders and Deacons of the Lutheran Churches of Fredericksburgh and Ernestown, in the Midland district, be referred to the Select Committee to which was referred the Bill to revive and continue for a limited time, part of the fourth clause of an Act passed in the fourth and fifth years of the reign of Her Majesty Queen Victoria, intituled, "An Act to secure to and confer upon certain inhabitants of this Province the civil and political rights of natural born British subjects."

M. Houle and others. Resolved, That the Petition of Michel Houle and others, of the city of Montreal, carters, be referred to a Select Committee composed of the Honourable Mr. DeBleury, Mr. Leslie, Mr. Jobin, Mr. Colville, and Mr. Smith of Frontenac, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Hon. Vallières de St. Real. Resolved, That the Petition of the Honourable Vallières de St. Réal, Chief Justice of Montreal, be referred to a Select Committee, composed of the Honourable Mr. DeBleury, the Honourable Mr. Aylwin, the Honourable Mr. Solicitor General Sherwood, Mr. Gowan, and Mr. Boulton, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Wm. Molson and others. Resolved, That the Petition of William Molson and others, inhabitants and proprietors of Real Estate in the village of Hochelaga, and in the parish of Montreal, be referred to a Select Committee composed of the Honourable Mr. DeBleury, Mr. Leslie, Mr. Jobin, Mr. Smith of Frontenac, and the Honourable Mr. Moffatt, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Jos. Abbott. Resolved, That the Petition of the Reverend Joseph Abbott, Master of Arts, be referred to a Select Committee, composed of Mr. Dunlop, Mr. Chauveau, Mr. Prince,

Mr. Colville, and Mr. Macdonald of Cornwall, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

B. Brewster and others.

Resolved, That the Petition of Benjamin Brewster and others, landholders, residing in the vicinity of Montreal, be referred to a Select Committee, composed of the Honourable Mr. Moffatt, the Honourable Mr. Morin, Mr. Leslie, the Honourable Mr. DeBleury, and Mr. De Witt, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

W. Dunlop, Esquire.

Resolved, That the Petition of W. Dunlop, Esquire, and others, inhabitants of Williams and other townships in the Huron tract, Canada West, be referred to a Select Committee, composed of Mr. Dunlop, Mr. Cameron, Mr. Johnston, Mr. Petrie, and Mr. Stewart of Bytown, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise, on a general or particular Act, as may seem most fit; with power to send for persons, papers, and records.

Montreal Corporation.

The Honourable Mr. DeBleury moved, seconded by Mr. Smith of Frontenac, that the Petition of the Mayor, Aldermen, and Citizens, of the city of Montreal, (relating to the Ordinances incorporating the said city,) be referred to a Special Committee, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records; and that the said Committee be composed of five members.

The Honourable Mr. LaFontaine moved in amendment, seconded by Mr. Leslie, that the word "five" in the said motion be struck out, and the word "seven" substituted.

The question having been put on the motion of amendment, a division ensued, and it was carried in the affirmative.

The question being then put on the main motion, as amended, it was agreed to by the House, and

Resolved accordingly.

Ordered, That the Honourable Mr. DeBleury, the Honourable Mr. Morin, the Honourable Mr. Moffatt, the Honourable Mr. LaFontaine, Mr. Hale, Mr. De Witt, and Mr. Gowan, do compose the said Committee.

Toronto Board of Trade.

The Honourable Mr. Solicitor General Sherwood, from the Select Committee, to which was referred

the Petition of the Members of the Toronto Board of Trade, with power to report, by Bill or otherwise, presented to the House a Bill to incorporate the Board of Trade of the city of Toronto, which was received and read for the first time, and ordered to be read a second time on Friday, the seventeenth day of January next.

Election 3rd
Riding York.

Mr. Taché from the Select Committee appointed to try the merits of the contested election of the Third Riding of York, presented to the House, the first report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee have met, and it being necessary, in their opinion, that a Commission should issue to the City of Toronto, to take the evidence of the witnesses of both parties, they pray that leave be granted to them to adjourn until the first Tuesday of February next, when a Return to such Commission may be expected, if this House be pleased to award such Commission.

Ordered, That the Select Committee, appointed to try and determine the merits of the contested election for the Third Riding of York, have leave to adjourn until the first Tuesday of February next, in order to afford the necessary time for a Commission to issue for the examination of the witnesses of the parties.

Commission.

Resolved, That this House do nominate and appoint under the hand and seal of Mr. Speaker, three Commissioners, for the purpose of examining the witnesses of the parties in the matter of the contested election, for the Third Riding

(90)

of the county of York, contained in the lists of witnesses handed to the Clerk of this House, and that Robert Easton Burns, John Hector, and John Shuter Smith, of the city of Toronto, Esquires, be such Commissioners; and that the said Commissioners do sit at the city of Toronto, on the tenth day of January next.

Ordered, That lists of objections on the part of the Petitioners against the return of the Honourable James Edward Small, sitting Member for the Third Riding of the county of York, and on the part of the sitting Member, be exchanged between the parties on or before the fifth day of January next.

Printing and
Binding.

Mr. Gowan, from the Standing Committee on Printing and Binding, presented to the House the first Report of the said Committee, which was again read at the Clerk's table and agreed to by the House, and is as followeth:--

Your Committee beg leave to inform your Honourable House, that they advertised for sealed Tenders for the Sessional Printing of the House, together with the Paper and Press work; which advertisement they caused to be inserted in all the Newspapers published in the City of Montreal.

The only parties from whom Tenders were received, were Messrs. Desbarats and Derbshire, and Messrs. Lovell and Gibson, both of this City.

The Tender of the former Gentlemen is as follows:--

For Composition, 2s. 1d. per 1000 ems, (English and French.)

For Press-work, 1s. 8d. per Token.

For Paper, £1 10s. per Ream (Double Foolscap.)

The Tender of Messrs. Lovell and Gibson is as follows:

For Composition of each 1000 ems, 1s. 10½d. (English and French.)

For the Marginal Notes of each page, 1s. 3d.

For the Press-work of each Token (258 pulls) 2s. 3d.

For each Ream of Double Foolscap, 19s.

For each Ream of Blue Single Foolscap, 16s. 6d.

For every hundred Sheets folded, 3d.

For every hundred Sheets stitched, 3d.

It appearing to your Committee, that the three chief items of expenditure will consist in the Paper, the Composition and the Press work, they here submit a brief recapitulation of the difference in the Tenders in those respects.

For the Paper, Messrs. Desbarats and Derbshire's Tender would amount to one pound ten shillings per Ream, while Messrs. Lovell and Gibson's would amount to nineteen shillings only, being a saving of eleven shillings on each and every Ream. Messrs. Debarats and Derbshire's specimen of Paper is, however, of somewhat better quality than that furnished by Messrs. Lovell and Gibson.

For the Composition, the Tender of Messrs. Desbarats and Derbshire would amount to two shillings and one penny per thousand ems, while that of Messrs. Lovell and Gibson would amount to one shilling and tenpence halfpenny only, being a saving of twopence halfpenny on every

one thousand ems of Composition.

For the Press-work, the Tender of Messrs. Desbarats and Derbishire would amount to three shillings and fourpence per Token, while that of Messrs Lovell and Gibson would amount to two shillings and threepence only, being a saving of one shilling and one penny on every Token printed.

Your Committee, therefore, are of opinion that the Printing of your Honourable House should be given to Messrs. Lovell and Gibson, at the price tendered for, provided they justify the expectations of the Committee in the execution of the work in a proper and workmanlike manner, and with the expedition and despatch requisite in the premises.

On motion of Mr. Williams, seconded by Mr. Duggan,

Halton
Election.

Resolved, That the Select Committee appointed to try the merits of the Petition of James Durand, Esquire, complaining of the undue election and return of James Webster, Esquire, the sitting Member for the West Riding of the county of Halton, be adjourned until Thursday, the ninth day of January next, at ten o'clock in the forenoon, in consequence of the Christmas recess.

Colonial
Shipping and
Timber Trade.

The Honourable Mr. Aylwin, from the Select Committee appointed to prepare and report the draught of an Address to the Queen's Most Excellent Majesty, to represent most humbly the apprehensions entertained by this House, by reason of the efforts recently made, and now making in Great Britain to obtain an Act of the Imperial Parliament, to impose duties on Colonial-built shipping, and to beseech the protection of Her Most Gracious Majesty in favour of the staple trade in timber of Her faithful subjects in this Province, which is so deeply menaced by the contemplated duties, presented to the House the Address prepared by the said Committee, which Address was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

To the Queen's Most Excellent Majesty.

MOST GRACIOUS SOVEREIGN:

We, Your Majesty's most dutiful and loyal Subjects, the Commons of Canada, in Provincial Parliament assembled, humbly venture to represent the apprehensions which we entertain, by reason of the efforts recently made, and which are now making in Great Britain, to obtain a Legislative enactment for the imposition of duties by the Imperial Parliament, upon shipping built in Your Majesty's Colonial possessions.

We beseech the protection of Your Majesty in favour of our Timber, the produce of our forests, which forms one of the staple trades of this Your Majesty's loyal Province, and we rely upon Your Majesty's Royal favour to avert the evils with which we are menaced.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause the humble Address of this House to Her Most Gracious Majesty, the Queen, in relation to Colonial-built shipping, to be transmitted to Her Majesty, to be laid at the foot of the Throne.

Ordered, That the said Addresses to Her Majesty and to His Excellency, the Governor General, be engrossed.

Ordered, That the said Addresses be presented to His Excellency, the Governor General, by the whole House.

Leave of absence. Ordered, That the Honourable James Edward Small have leave to absent himself from this House until the first Tuesday of February next, on urgent private business.

On motion of the Honourable Mr. Aylwin, seconded by Mr. Chabot,

Yamaska Election. Resolved, That the Petition of J. G. Barthe and others, electors of the county of Yamaska, complaining of the undue election and return of Léon Rousseau, Esquire, be taken into consideration on Friday, the seventeenth day of January next, in lieu of this day, as before

(91)
appointed by this House.

Leave of absence. Ordered, That William H. Boulton, Esquire, have leave to absent himself from this House until the first Tuesday in February next.

On motion of Mr. Gowan, seconded by Mr. Duggan,

Grenville Election. Ordered, That the Order of this House for taking into consideration the Petition of R. Burritt and others, freeholders of the county of Grenville, complaining of the undue election and return of Hamilton D. Jessup, Esquire, to represent the said county of Grenville, be discharged; the Petitioners having failed to enter into recognizance for the prosecution of the said Petition, within fourteen days from the presentation thereof, as required by law.

Jury Law. Ordered, That the Order of the Day for the second

reading of the Bill for the consolidation and amendment of the laws relative to Jurors, Juries, and Inquests in Upper Canada, and to provide for the indemnification of Jurors while attending the several Courts in that portion of this Province, be postponed until Tuesday, the fourteenth day of January next.

Toll Bridge
Richelieu.

Ordered, That the Order of the Day for the second reading of the Bill to authorize John Yule, junior, to build a Toll Bridge over the river Richelieu, in the parish of St. Joseph de Chambly, to fix the Rates of Toll for passing thereon, and to provide regulations for the same, be postponed until Saturday, the eleventh day of January next.

The Honourable Mr. Papineau moved to resolve, seconded by the Honourable Mr. Moffatt,

French
Language.

That an humble Address be presented to Her Majesty, renewing the expression of the faithful attachment of this House to Her Majesty's person and Government:--

Setting forth, that sensible of the advantages we enjoy from Her Majesty's care and protection, and which this House trusts may long be continued to us under Her Majesty's parental sway, it is, at all times, the duty of this House to submit for Her Majesty's most gracious consideration such matters as may have a tendency, with any class of Her Majesty's subjects, to diminish that contentment, which, this House is well assured, Her Majesty desires should exist in every portion of Her dominions.

Representing, that the French is the native language of a very large class of Her Majesty's subjects in this Province; of this class the great mass indeed speak no other language. In it the largest portion of their laws and the books on their system of jurisprudence are written; their daily intercourse with each other is conducted; it is the language in which alone they can invoke the blessings of Heaven on themselves and all that is dear to them. A language indispensable to so many of Her Majesty's faithful People, cannot, they will believe, be viewed by their Sovereign as foreign, when used by them.

Stating, that Her Majesty's Royal predecessors placed the languages spoken by the two great classes of Her Majesty's subjects in this Province, on the same footing; affording, in this respect, equal justice and equal facility to all.

Pointing out, that this principle was never departed from until the Act re-uniting these Province was passed; that this House do not question that the best intentions and designs influenced the minds of

those who enacted the provision which declared:--

"That all writs, proclamations, instruments for summoning and calling together the Legislative Council and Legislative Assembly of the Province of Canada, and for proroguing and dissolving the same; and all writs of Summons and Election, and all writs and public instruments whatever relating to the said Legislative Council and Legislative Assembly, or either of them, and all returns to such writs and instruments; and all journals and entires, and written and printed proceedings, of what nature soever, of the said Legislative Council and Legislative Assembly, and of each of them respectively; and all written or printed proceedings and reports of Committees of the said Legislative Council and Legislative Assembly, respectively, shall be in the English language only."

Stating, that in the very first Session of the Legislature, under that Act, it was indispensable to translate into French every public record and document. That the debates were not and could not, unless a portion of the Representatives of the People were silenced, be carried on without its use; that in Courts and judicial proceedings it was found equally necessary as before the Union, and for every other practical purpose, it is as much used as it ever has been.

Urging, that the only distinction which exists then, is, that the French is not permitted to be the legal language of Parliamentary records; a distinction of little value perhaps in itself,--one which cannot produce any beneficial result on the feelings or habits of the People using it; while it gives rise to a feeling among them injurious to the peace and tranquility of the Province, namely, that this limited proscription of their language conveys, however undesignedly, an imputation of unfavourable distinction towards themselves.

Representing, that desirous that the hearts of all men in this Province may be joined in unity, in their attachment to and support of Her Majesty's person and Government, this House humbly Petition Her Majesty to endeavour to remove this cause of discontent, and to recommend to Her Imperial Parliament the repeal of that portion of the law which has given rise to it; assuring Her Majesty that such a course will be hailed, by her Majesty's loyal Canadian people, as an additional mark of Her solicitude for their welfare.¹

MR. MOFFATT said this was a matter which would, in some degree, be an interference with the Act of Union, and, therefore, due notice ought to be given to members that they might be prepared to examine and consider the subject.² ((He)) recanted what he said against the French language during the last parliament, & proposed to print 1000 copies that the address might be circulated in Upper Canada, and an unanimous approval of it obtained.³ ((Il dit)) qu'il desire qu'on en imprime davantage afin que comme il s'agit de rappel d'une clause de

L'Acte d'Union, les deux province (sic) en aient une connaissance plus exacte et par là concourent à l'adresse.⁴

DR. DUNLOP said he quite agreed with the hon. gentleman (Mr. Moffatt) that if it would interfere with the Act of Union, it ought to be widely circulated, but he was quite convinced that the proposition would meet with no opposition. He could speak for the constituency which he himself represented, and he believed he might add, for those of all the hon. gentlemen on this side of the House, that they would heartily sanction it. He believed there was no man of British origin so destitute of common courtesy and Christian feeling as to offer any obstacle to the attainment by his fellow-subjects in this part of the Province of so simple a boon.⁵

M. JOHNSTON propose 1000 copies.⁶

M. LAFONTAINE remercie L'Hon. M. qui fait la motion qu'il considère comme devant tendre grandement à perpétuer l'accord des deux races dans ce pays et à cimenter l'Union avec la mère Patrie, et les canadiens français regarderait certainement comme une marque de désir de leur rendre justice. Il ne doute pas que tous ne votent unanimement.⁷

(91)

Ordered, That the further consideration of the said motion be postponed till Saturday, the eleventh day of January next.

Ordered, That five hundred copies of the said motion be printed in each of the English and French languages, for the use of the Members of this House.

On motion of Mr. Prince, seconded by Mr. Chauveau,

Political
Offences.

Resolved, That this House do now resolve itself into a committee of the whole House, to consider the expediency of addressing His Excellency, the Governor General, as representing the Crown in this Province, to recommend Her Majesty to afford to those persons who were transported to Her Majesty's penal Colonies for political offences committed against Her Majesty's Government in this Province, in the years 1837 and 1838, (and whom Her Majesty was afterwards graciously pleased to pardon,) the means of returning to England or some other of the British Isles, that they may be able to reach their respective homes from thence.

The House accordingly resolved itself into the said Committee.

Mr. Smith of Frontenac, took the chair of the Committee,⁸

Col. PRINCE said he should detain the Committee but a very few moments, because he was perfectly certain that the subject which he had to propose, would meet with the approval of every member present. He was not going to offer any extenuation for the offences of which those unhappy persons had been guilty; all he intended to do was to ask her Majesty to carry out her benevolent intentions towards them by enabling them to return home. There was no person, he was quite sure, who attended the Government House to-day, but must have been delighted at what they heard from his Excellency in reply to their address. That for a long time past her Majesty had been most sedulously engaged in providing for an act of amnesty towards those unhappy convicts, and that, with two or three exceptions, a general amnesty had been resolved upon. There had been, he understood, a subscription set on foot for the purpose of bringing those persons to their homes; provided they could be conveyed to England, which might be done by the Government without any expense whatever, by means of the Government vessels returning from the penal colonies. He moved, therefore, an address expressing the gratitude of this House towards her Majesty for having extended her pardon to those misguided men, and praying that his Excellency would be pleased to recommend they be conveyed to England by the Government.⁹

DR. DUNLOP said a more agreeable task could not possibly fall upon him than that of seconding the motion of his hon. friend.¹⁰

MR. DEWITT suggested that the hon. gentleman should embrace in his motion the request that they should be sent to their homes.¹¹

Col. PRINCE said the danger was that it would be asking too much.¹²

Messieurs ... CHAUVEAU ... COLVILLE et RIDDELL ... ((ont)) donné cours à leurs sentiments en faveur de cet acte de pardon.¹³

(91)

and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Smith, of Frontenac, reported that the Committee had come to a resolution, which resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

(92)

Political
Offences.

Resolved, That an humble Address be presented to His Excellency, the Governor General, as representing the Crown in this Province, expressing the gratitude of this House to Her Majesty, for having graciously pardoned several of the unfortunate and misguided individuals who were convicted of political offences, committed in this Province,

in the years 1837 and 1838, (and for which they were transported to some of Her Majesty's penal Colonies), and humbly praying that His Excellency will be pleased to recommend that Her Majesty may be graciously pleased further to extend Her merciful consideration to such of those individuals as have not the means of returning to their native land, by affording them a passage to England, or some of the British Isles, from whence they may be enabled, with the assistance of friends, to reach their homes in North America, and be thus restored to the bosom of their friends.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

Registry Laws. Ordered, That Mr. Prince have leave to bring in a Bill to alter and amend the Registry Laws of that part of this Province which was formerly Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday, the thirteenth day of January next.

On motion of the Honourable Mr. Attorney General Smith, seconded by the Honourable Mr. Papineau,

Provincial Customs. Resolved, That this House will, on Friday, the tenth day of January next, resolve itself into a Committee of the whole House, to consider the expediency of repealing certain Acts and Ordinances, relative to the management and regulation of the Provincial Customs, and to duties of Customs, and other duties imposed by Provincial Acts; and to the licensing of tavern keepers, and venders of spirituous and other liquors; auctioneers, distillers, hawkers and pedlars; and keepers of billiard tables for hire, with a view to the substitution of other enactments for the purposes aforesaid, respectively.

On motion of the Honourable Mr. Attorney General Smith, seconded by the Honourable Mr. Papineau,

Shipwrecked and Destitute Seamen. Resolved, That this House will, on Friday, the tenth day of January next, resolve itself into a Committee of the whole House, to consider the expediency of amending the Act of Lower Canada, 6 William 4, chapter 35, to provide for the medical treatment of sick mariners, by authorizing the appropriation of a certain portion of the monies collected under that Act, for the relief of shipwrecked and destitute seamen.

On motion of the Honourable Mr. Attorney General Smith, seconded by the Honourable Mr. Papineau,

Trinity Houses
Quebec and
Montreal.

Resolved, That this House will, on Friday, the tenth day of January next, resolve itself into a Committee of the whole House, to consider the expediency of repealing the Acts and Ordinances of Lower Canada, establishing the Trinity Houses of Quebec and Montreal, and regulating pilots and pilotage, with a view to the substitution of further enactments on the said subjects.

Rights of
British Planta-
tion Vessels.

Ordered, That the Honourable Mr. Attorney General Smith, have leave to bring in a Bill to secure the right of property in British Plantation vessels navigating the inland waters of this Province, and not registered under the Act of the Imperial Parliament of the United Kingdom, passed in the third and fourth years of His Majesty's Reign, William the Fourth, 28th August, 1833, and intituled, "An Act for the Registering of British vessels, and to facilitate transfers of the same and to prevent the fraudulent assignment of any property in such vessels."

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

Orders of the
Day.

Ordered, That all the Orders of the Day, that now stand fixed for those days intervening between Friday, the twentieth day of December, instant, and Tuesday, the seventh day of January next, being the time which this House doth stand adjourned, shall be called on respectively in the order in which they now stand, after this House shall meet on the said seventh day of January.

Intestate
Estates.

The Order of the Day for the second reading of the Bill, for the more equal distribution of the property of persons dying intestate, in that part of the Province called Upper Canada, being read,

Ordered, That the said Bill be read a second time, on Tuesday, the fourteenth day of January next.

Contingencies.

Ordered, That the Standing Committee of Contingencies have leave to sit, notwithstanding the adjournment of this House.

Then on motion of the Honourable Mr. Attorney General Smith, seconded by the Honourable Mr. Papineau,

The House adjourned.

APPENDIX, 20 DECEMBER 1844.

((QUESTIONS AND ANSWERS RE: CHATHAM TO LONDON ROAD; MONTREAL POLICE;¹⁴ CUSTOMS AND REVENUE BILL, LOWER CANADA SCHOOL BILL, MUNICIPAL BILL, AND UNIVERSITY BILL.¹⁵))

Pursuant to notice, Colonel PRINCE asked of Ministers if it was the intention of Government to plank the road from Chatham to London.¹⁶

MR. ATTORNEY GENERAL ((J.)) SMITH replied that he had received the Report of the Board of Works, but it was so voluminous that he had not yet time to go through it. He believed, however, that it embraced that subject, and he would be prepared to-morrow to give the hon. gentleman definite answers.¹⁷

MR. MOFFATT asked if it was the intention of Government to take any steps towards the augmentation of the Police of Montreal, and to place the same under the control of the Executive.¹⁸

MR. ((J.)) SMITH replied that the matter was under the consideration of Government, and would be shortly arranged.¹⁹

MR. LAFONTAINE ... ((asked about)) the measures to be brought forward by the Ministry.²⁰

MR. ((J.)) SMITH said that he considered these enquiries as to the time Government would be prepared with its measures as unparliamentary; he had searched the practice of England, and he found in it nothing to justify it. The chief measures alluded to in the Speech from the Throne, were in course of preparation, and he had brought down to the House to-night several bills to be printed, and placed in members' hands at once. For the consideration of these, he had moved on a previous evening for a committee of the whole House upon the 9th of January. Members would immediately be placed in possession of a complete set of Bills relative to the Customs and Revenue. The School Act and Municipal Bill were in a forward state, and would be ready early in the session, as also would be the University Bill. It had been found impossible to prepare these by to-day, but they would be completed in sufficient time for the consideration of the House this session.²¹

((WITHDRAWN MOTION FOR ADDRESS RE: UNSETTLED CLAIMS ON PROVINCIAL TREASURY.))²²

MR. CAMERON moved an address to his Excellency praying that his Excellency would cause to be laid before the House a statement of existing claims on the Provincial Revenue, which were unsettled on the 31st. day of January, 1844, but which would be charged on the consolidated funds, and whether such claims are founded upon the Provincial Act, or arise under the Act of Union, together with such other

information touching the same as his Excellency deems fit to communicate.²³

MR. ATTORNEY-GENERAL ((J.)) SMITH suggested to the honourable member that it would be better to specify what claims he referred to; as the doing so would greatly facilitate the obtaining of the answer.²⁴

MR. CAMERON said he thought the motion was sufficiently explicit. What he desired was (and he believed the same was desired generally) to obtain a statement of all claims due and unpaid, such as claims for school-money. We were told that there was a large amount of surplus, and upon looking at the public accounts, it appears there were large sums due by the Government, and payable on demand.²⁵

MR. JOHNSTON said he trusted the hon. gentleman, during the time he held office, had not been allowed to go without his pay. (Order! order!) I am in order, Mr. Speaker, I am replying to the hon. member who made this motion. For what purpose is the motion made? It is intended to embarrass the Government, and for no other purpose. But all such attempts must recoil on the heads of those who make them. Notwithstanding all the professions which those gentlemen make, when we look at their acts we find there is no sincerity in them.²⁶

The Speaker ((SIR ALLAN MACNAB)) called the member for Carleton to order.²⁷

MR. MOFFATT observed that this was information which the House he thought was entitled to receive; but he did not think the motion should be made in this way. This House was certainly entitled to be informed how monies appropriated by the Legislature were expended.²⁸

MR. CHRISTIE suggested that a committee should be appointed and instructed to make the inquiry, and he hoped the honourable member would consent to withdraw his motion for the present.²⁹

MR. CAMERON consented and the motion was accordingly withdrawn.³⁰

FOOTNOTES - 20 DECEMBER 1844.

1. The debate on this motion was reported by: L'AUORE, 24 December 1844; PILOT, 23 December 1844; and MONTREAL GAZETTE, 21 December 1844, copied by BRITISH WHIG, 24 December 1844, in an account identical to those in GLOBE, 7 January 1845, and BRITISH COLONIST, 27 December 1844.
2. GLOBE, 7 January 1845.
3. PILOT, 23 December 1844.
4. L'AUORE, 24 December 1844.
5. GLOBE, 7 January 1845.
6. L'AUORE, 24 December 1844.
7. IBID.
8. The debate on this motion was reported by: PILOT, 23 December 1844; L'AUORE, 24 December 1844; and MONTREAL GAZETTE, 21 December 1844, copied by BRITISH WHIG, 24 December 1844, in an account identical to that in GLOBE, 7 January 1845.
9. GLOBE, 7 January 1845.
10. IBID.
11. IBID.
12. IBID.
13. L'AUORE, 24 December 1844.
14. These two questions and answers were reported by: MONTREAL GAZETTE, 21 December 1844, copied by BRITISH WHIG, 24 December 1844, GLOBE, 7 January 1845, and BRITISH COLONIST, 27 December 1844, in identical reports.
15. These were reported by: MONTREAL GAZETTE, 21 December 1844, copied by BRITISH WHIG, 24 December 1844, PILOT, 23 December 1844; and BRITISH COLONIST, 27 December 1844.
16. GLOBE, 7 January 1845.
17. IBID.
18. IBID.
19. IBID.
20. BRITISH COLONIST, 27 December 1844.
21. IBID.
22. The debate on this motion was reported by: GLOBE, 7 January 1845, and MONTREAL GAZETTE, 21 December 1844, copied by BRITISH WHIG, 24 December 1844, in identical accounts; PILOT, 23 December 1844; and L'AUORE, 24 December 1844.
23. GLOBE, 7 January 1845.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.

TUESDAY, 7 JANUARY 1845.¹

(92)

Member for
North Riding
Lincoln.

WILLIAM HAMILTON MERRITT, Esquire, Member for the North Riding of the county of Lincoln, having previously taken the oath according to law, and subscribed before the Commissioners the roll containing the same, took his seat in the House.

Petitions
brought up.

The following Petitions were severally brought up and laid on the table:--

By Mr. Foster, the Petition of John Williams and others, agriculturists, residing in the county of Shefford.

By the Honourable Mr. Solicitor General Sherwood, the Petition of Messieurs Freeland and Taylor and others, manufacturers of soap and candles, in the city of Toronto; and the Petition of William C. Keele, of the city of Toronto, Attorney at Law.

By Mr. Smith, of Wentworth, the Petition of Adam Irvine and others, of the village and township of Ancaster, in the district of Gore.

By Mr. Merritt, the Petition of Richard M. Boyle and others, contractors on the macadamized road, leading from Queenston to Grimby, in the district of Niagara.

(93)

By Mr. Webster, the Petition of George J. Grange, Chairman, and William Clarke, Secretary, on behalf of a meeting of the inhabitants of the district of Wellington; the Petition of the Honourable James Crooks and others, on behalf of a meeting of the inhabitants of the district of Gore; and the Petition of the Reverend Jacob Carr and others, of the districts of Wellington and Gore.

By Mr. Meyers, the Petition of Frederick Widder, one of the Commissioners on behalf of the Canada Company; and the Petition of Asa A. Burnham and others, of the town of Cobourg.

By Mr. Williams, the Petition of Thomas Syer and others, of the township of Cavan.

By Mr. Cummings, the Petition of Henry Ort, of the township of Willoughby, in the district of Niagara; the Petition of Alonzo J. Ewers, of the township of Crowland, in the district of Niagara; the Petition of Cornelius B. Griffin, of the township of Stamford, in the district of Niagara; the Petition of the Reverend William Leeming and others, on behalf of the Congregation of Trinity Church, at Chippewa; the Petition of Captain David Boyd and others, Members of the United Church of England and Ireland, in Chippewa and its

neighbourhood; and the Petition of the Reverend George B. Grant and others, Members of the United Church of England and Ireland, in the township of Grimsby, in the district of Niagara.

By the Honourable Mr. Baldwin, the Petition of William Ogden, of the township of Toronto, in the Home district; and the Petition of Duncan Wilson, of Sparta.

By the Honourable Mr. Moffatt, the Petition of the President and Governors of the Corporation of the Montreal General Hospital.

By Mr. Cameron, the Petition of John Smith, of Enniskillen, in the Western district.

By Mr. Chauveau, the Petition of Edward Lemieux and others, manufacturers of leather, in the district of Quebec.

By Mr. Macdonald, of Cornwall, the Petition of Thomas H. Maxwell and others, Members of the United Church of England and Ireland, in the township of Osnabruck, in the diocese of Toronto.

By Mr. Roblin, the Petition of Thomas Morgan, of Hallowell.

By Mr. Prince, the Petition of the Municipal Council of the Western district, (relating to a Bridge); the Petition of the Municipal Council of the Western district, (relating to the new Municipal Act); the Petition of Mrs. Sarah Alway, widow of the late Robert Alway, Esquire, Member of the Parliament of the late Province of Upper Canada; and the Petition of the Municipal Council of the Western district, (relating to tobacco).

Colonel PRINCE gave notice that he would, on Friday next, ask the gentlemen on the treasury benches, whether it was the intention of Government to make any, and if so, what alteration in the present scale of duty on leaf tobacco imported into this province from the United States of America; and whether they were inclined to impose a further duty on such imported tobacco, by way of protection to the grower here in Canada. In giving the notice, Col. Prince invited the serious attention of the Government to a petition which he had just presented to the house from the Warden and Council of the Western District, where he resided. It would appear by their petition, that tobacco was grown extensively in some parts of that district, and that upwards of £12,000 worth had been sent to Montreal in one year. Also, that the petition contained most cogent reasons for affording protection to the Canadian grower of this article of farming produce; and he declared that unless a much heavier duty than the present was imposed, our own people could not compete with the slave holder of the United States, and that men must inevitably follow in the track of those (and many there were in the

western section of the province,) who looked mainly to this expensive and uncertain crop for their honest livelihood, and for the reward of their industry and labour.²

(93)

By Mr. Thompson, the Petition of the Reverend Theobald Schneider and others, of the district of Niagara; and the Petition of Richard Brown and others, of the county of Haldimand.

By Mr. Duggan, the Petition of the Reverend R. J. Macgeorge and others, Members of the United Church of England and Ireland, in the townships of Toronto and Chinguacousy, and parts adjacent, in the diocese of Toronto.

By Mr. Gowan, the Petition of Johnston Neilson, of Carleton Place, district of Bathurst; and the Petition of Edward Webster and others, of Leeds and other townships.

By Mr. Brooks, the Petition of Benjamin Pomroy, and others, of the townships of Compton and Hereford, in the district of St. Francis; and the Petition of Charles Witcher, Esquire, and others, of the county of Sherbrooke.

By Mr. Lawrason, the Petition of the President and Members of the London Mechanics' Institute.

By Mr. Chabot, the Petition of John P. Anderson and others, of Quebec.

By Mr. Smith, of Frontenac, the Petition of James Piersons and others, of the township of Hillier.

By the Honourable Mr. DeBleury, the Petition of the President and Members of the Agricultural Society, of the district of Montreal; and the Petition of Ann Cuthbert Fleming.

By the Honourable Mr. Aylwin, the Petition of Charles Smith, and Anthony Anderson, of the city of Quebec, Esquires.

By Mr. Boulton, the Petition of Sir Allan N. MacNab and others, Members of the United Church of England and Ireland, in the township of Hamilton, and its vicinity; the Petition of the Church Missionary and Indians of the Six Nations, in the diocese of Toronto; the Petition of the Reverend William M'Murray and others, Members of the United Church of England and Ireland, in the towns of Ancaster and Dundas, and neighbourhood; the Petition of the Reverend George Graham and others, Members of the United Church of England and Ireland, in the township of Nassagawega, and neighbourhood; the Petition of Hiram Smith and

others, Members of the United Church of England and Ireland, in the townships of Nelson and Trafalgar, in the diocese of Toronto; the Petition of the Reverend Andrew Jamieson and others, Members of the United Church of England and Ireland, in the township of Brock, and vicinity, in the diocese of Toronto; the Petition of John Maberly and others, Members of the United Church of England and Ireland, in the township of Tiny and vicinity, in the diocese of Toronto; the Petition of the Reverend F. G. Elliott and others, Members of the United Church of England and Ireland, in the township of Colchester and vicinity, in the diocese of Toronto; the Petition of James Padfield and others, Members of the United Church of England and Ireland, at Smiths' Falls and its vicinity, in the diocese of Toronto; the Petition of George Mortimer and others, Members of the United Church of England and Ireland, at Thornhill and vicinity, in the diocese of Toronto; the Petition of George Tennant and others, Members of the United Church of England and Ireland, at Carleton Place and vicinity, in the diocese of Toronto; the Petition of the Reverend J. Beek Lindsay and others, Members of the United Church of England and Ireland, in the township of Williamsburgh and other places in the diocese of Toronto; the Petition of the Reverend Job Deacon and others, Members of the United Church of England and Ireland, in the townships of Fredericksburgh and Adolphustown, in the diocese of Toronto; the Petition of the Reverend Frederick O'Meara and others, Members of the United Church of England and Ireland, in the Mahnetocahning Islands, in the diocese of Toronto; the Petition of John Tomlinson and others, Members of the United Church of England and Ireland, in the township of Richmond and vicinity, in the diocese of Toronto; the Petition of George Johnstone and others, Members of the United Church of England and Ireland, in the township of Wilmot and neighbourhood; the Petition of the Reverend Henry Patton and others, Members of the United Church of England and Ireland, in the town of Kemptville and its vicinity, in the diocese of Toronto; and the Petition of John White and others, of Hamilton, in the district of Gore.

(94)

Petitions read.

Pursuant to the Order of the Day, the following Petitions were read;--

Of Robert Defries, Post Office Carrier to the Legislative Assembly, praying that he may be put upon a fixed salary.

Of Antoine C. Taschereau, Esquire, of the parish of Deschambault, in the county of Portneuf, praying that the amount awarded him by the Commissioner of Crown Lands, for his services in surveying and locating the lands on the line of the Kennebec road, may be paid him in full.

Of George O'Keefe, of the city of Montreal, praying that his name may be placed on the list of candidates for the office of Assistant Translator to the Legislative Assembly.

Of Mrs. Monique S. Boucher and other ladies, members of the charitable institution called, "Maison de la Providence," in the parish of Laprairie de la Magdeleine, praying for an aid in support of the said institution.

Of the officers and members of the Talbot district Agricultural Society, praying for the renewal of the Act for the encouragement of such societies.

Of Etienne Guy, Returning Officer for the last election of the county of Montreal, praying to be paid the amount of his account, for services performed in his capacity of Returning Officer as above stated.

Of William O'Brien and others, tavern keepers of the city of Montreal, praying for relief against the taxes imposed on them, as tavern keepers, by the City Council.

Of the Municipal Council of the district of Bathurst, praying for a grant to enable them to construct a road, leading from the Rideau canal to the western extremity of the district, on the Ottawa river.

Of Augustin Dodier and others, inhabitants of the parish of Beauport, in the county of Quebec, praying that the tolls they pay on the turnpike roads may be diminished, and the rate, at which they may be commuted for, fixed by law.

Of the Honourable James Reid, and others, inhabitants of the city of Montreal, praying for a grant to erect a Lunatic Asylum for Lower Canada, on a piece of ground already provided for that purpose.

Of David Torrance and others, Directors of the High School of Montreal, praying for an Act of incorporation.

Of Henry B. Bostwick, of the village of Port Stanley, in the district of London, praying for the reduction of the rate of tolls exacted at Port Stanley.

Of A. Campbell, junior, and others, law students of the city of Quebec, praying that a professor may be appointed at Quebec, to give public lectures in jurisprudence and the practice of the law.

Of the Reverend H. Esson and others, clergy and citizens of Montreal, praying that the charter of McGill College, at Montreal, may be amended, and the management of King's College, at Toronto, may be placed upon a satisfactory basis.

Of C. Larocque and others, inhabitants of the county of Beauharnois, praying that a certain part of the Ordinance 3d Victoria, cap. 25,

relating to winter vehicles, may be renewed.

Of the Reverend P. M. Mignault and others, of the west side of the basin of Chambly, praying for an aid to construct a road.

Of Stevens Baker and others, inhabitants of the counties of Missisquoi and Rouville, praying that the stage road between St. John's and Stanstead may be planked, under the control of the Board of Works, from a point near the Upper Mills of Stanbridge to Jones's bridge on the Richelieu.

Of William Dickson and others, inhabitants of the district of Gore, residing on the Grand River, praying for the passing of a law to prevent persons from driving over the bridges erected by them faster than a moderate walk.

Of Orange Schryer, of the township of Bertie, in the district of Niagara, praying to be indemnified for loss sustained by an outrage, which he has reason to believe was perpetrated on account of the strict discharge of his duties as Deputy Collector of Customs.

Of Benjamin Brewster and others, proprietors and landholders, residing in the neighbourhood of the city of Montreal, praying that the regulations respecting the Montreal turnpikes, may be rendered more equitable.

Of the Mayor, Aldermen, and Citizens, of the city of Quebec, praying that the Town Council may be substituted in the right of Her Majesty's Government, to acquire and possess the Dorchester bridge.

Of N. M'Kinnon and William F. Wallace, on behalf of the inhabitants of Bayham, and the adjoining townships, in the district of London, praying for an aid to complete the harbour at Port Burwell.

Of Pierre Vezina, Esquire, in behalf of the inhabitants of the town of Three Rivers, praying that the said town may be incorporated, and the common of Three Rivers vested in the Corporation.

Of Charles De Witt and others, inhabitants of the seignior and parish of St. Joachim de Chateauguay, praying aid to re-construct a certain bridge over the River Chateauguay.

Roman
Catholic
Bishops of
Toronto and
Carrhae.

Resolved, That the Petition of the Right Reverend Michael Power, Roman Catholic Bishop of Toronto, and of the Right Reverend Patrick Phelan, Bishop of Carrhae, be referred to a Select Committee, composed of Mr. Prince, the Honourable Mr. LaFontaine, the Honourable

Mr. Baldwin, the Honourable Mr. Morin, and Mr. Dunlop, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Rev. P. M. Mignault and others. Ordered, That the Petition of the Reverend P. M. Mignault and others, of the west side of the Basin of Chambly, be referred to the Select Committee to which was referred the Petition of M. F. Valois and others, inhabitants of Lachine and other parishes, and other references.

W. O'Brien and others. Ordered, That the Petition of William O'Brien and others, tavern-keepers, of the city of Montreal, be referred to the Special Committee to which was referred the Petition of the Mayor, Aldermen, and Citizens, of the city of Montreal, (relating to the Ordinances incorporating the said city.)

A. Dodier and others. Ordered, That the Petition of Augustin Dodier and others, inhabitants of the parish of Beauport, in the county of Quebec, be referred to the Select Committee to which was referred the Petition of R. G. Belleau and others, inhabitants and tenants in the county of Quebec.

On motion of Mr. Dunlop, seconded by Mr. Johnston,

(95)

Mines and Minerals in the River Gatineau. Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause the proper officer to lay before this House, a copy of any lease that may have been granted for working the mines and minerals on the River Gatineau, for the purpose of ascertaining if any stipulations were entered into as to when they should commence to be worked.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.³

MR. BOULTON moved, seconded by the Solicitor General (West) ((MR. H. SHERWOOD)), that the petitioners against the return of James Small, Esq., for the Third Riding of the County of York, have leave to amend their list of witnesses, by the addition of certain names; and that the Clerk of the Crown be authorized to forward to the Commission, at present sitting at Toronto, all papers and other documents, filed in his office, relative to the said petition.⁴

MR. BALDWIN made some ... remarks objecting to it as being irregular⁵.

MR. BALDWIN and MR. AYLWIN requested that the first part of the motion, relating to the amendment of the list of witnesses should stand over till the next day⁶.

MR. AYLWIN in addressing the Speaker, characterized the conduct of the mover in interfering with the sitting member as the most improper, irregular, unfair, and unjust.⁷ As Mr. Small's nominee ((he)) objected to the course taken by Mr. Boulton, as the motion should have been made by Mr. Macdonald, of Kingston, the petitioner's nominee; and it should not have been made without previously giving notice. He expressed a wish that the motion should be withdrawn until to-morrow.⁸

MR. BOULTON said, that being intrusted with the petition he did hope that the matter would not be delayed; and that he was not so well acquainted with the etiquette of the Bar as his hon. friend.⁹

After a little discussion ... ((the first)) part of the motion ((was)) withdrawn.¹⁰

(95)

On motion of Mr. Boulton, seconded by the Honourable Mr. Solicitor General Sherwood,

Election, 3rd
Riding York.

Ordered, That the Clerk of the Crown in Chancery, do transmit to the Commissioners at Toronto, all documents and other papers connected with the contested election for the Third Riding of the county of York.

Canada Baptist
Missionary
Society.

Ordered, That the Honourable Mr. Moffatt have leave to bring in a Bill to Incorporate the Canada Baptist Missionary Society.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Toll-bridge
over the River
Richelieu.

Ordered, That the Bill to authorize John Yule, junior, to build a Toll Bridge over the river Richelieu, in the parish of St. Joseph de Chambly, to fix the Rates of Toll for passing thereon, and to provide Regulations for the same, be read a second time on Monday next.

Elections in
Lower Canada.

Ordered, That the Honourable Mr. LaFontaine have leave to bring in a Bill to repeal certain Acts therein mentioned, and to regulate elections in Lower Canada of Members of the Legislative Assembly.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Friday the thirty-first instant.

Industrial
Farm.

The Order of the Day for the second reading of the Bill to authorize the Mayor, Aldermen, and Commonalty of the city of Toronto, to purchase an Industrial Farm in the neighbourhood thereof, and for other purposes relating thereto, being read,

The said Bill was accordingly read, and committed to a Committee of the whole House.

Mr. Prince took the chair of the Committee,¹¹

((MR. BOULTON)) stated that the object of the Corporation was to purchase a farm where they would send vagrants and people of immodest character to work instead of filling up the streets as at present¹² begging and ((to use it as)) a means of reclaiming persons of an immoral character, especially children¹³. No sum of money was asked for, but merely permission to purchase such a farm; and also to send those persons mentioned in the bill thither. It was also intended to employ some person to educate the younger part of the criminals at least two or three hours a day.¹⁴

MR. JOHNSTON asked if it would be possible to purchase such a farm in the neighbourhood of Toronto, and was there any particular one in view, as it seemed to be intended to saddle the unfortunate citizens with taxes for the aggrandizement of a single individual.¹⁵

MR. BOULTON had not the remotest idea that the Corporation had any farm in view.¹⁶

MR. BALDWIN had considerable doubts as to the success of this experiment, still, he must confess, that the people of Toronto were universally in favour of the measure, therefore he was probably wrong; at all events, whatever his own views might be on the subject, he did not intend to offer any opposition to a bill so loudly called for by the public, he would, however, suggest that the time during which the bill should be in force ought to be limited - say to five or ten years.¹⁷

DR. DUNLOP was very much gratified to find that something was doing for the benefit of agriculture. Canada was a country purely agricultural, and all her means and resources were derived from the cultivation of the soil. Yet it happened, from some freak of the human intellect, which he (Dr. Dunlop) could not understand, that the farmers were supposed to hold only a very humble rank in the community - a

sort of middle station, between the journeyman shoe makers and the petty village storekeepers. He was glad to find that the improvement in the opinions of the people was so great, as to have produced the return of thirteen farmers to that house; and he felt sure, if that body would set themselves to fight their battles shoulder to shoulder, that they would be able to make some little head, even against the thirty lawyers who had seats in that house; the country was returning to a right state of feeling on this subject, and it would make these lawyers, shopkeepers and doctors (laughter,) comprehend, that they are not to be the masters of the people, but the servants - that they are kept and paid for its convenience¹⁸.

Hear, hear, from MR. AYLWIN.¹⁹

((DR. DUNLOP continued:)) Yes, the hon. member for Quebec was paid by poor habitants, to do their work for them. Voltaire had said, that an Ambassador was a gentleman, sent abroad to tell lies for the good of his country; he (Dr. Dunlop) was going to say, that a lawyer was a man paid to tell lies for the good of his client, but he would forbear - he thought considering how many of those gentlemen he saw around him, that such a remark would be a little personal, (laughter). To return to the bill; he would advise his friend not to be in too great a hurry with it, but to look about and see whether he could not employ this farm for teaching something that was not well understood. It was well known that the produce of Western Canada is very heavy compared to its value, and that in consequence the charges of freight to bring it to market were so high, as very considerably to lessen the amount received by the farmer. Now if it were possible by means of this farm to instruct people in the cultivation of a lighter and more valuable species of produce than that now grown the whole difference in the cost of freight would go to augment the profit of the farmer. The Chairman of the Committee had that evening mentioned the case of the tobacco growers; tobacco was one of the valuable products to which he referred; and there were many other things which the country might produce, but which, at present, it does not; among these were hemp and flax, of which there was only enough grown to twist up into tyers (sic) for corn sacks. How could the Canadian farmer then, hope to compete with the Russian hemp grower, who had been all his life used to its cultivation? Let people be got to teach him. He thought that government ought to establish cutting (sic) and dressing mills, and if they did so, they would find that, in a very short time, those mills would sell for 20 per cent more than the original cost. If they would not do so, he was very much out in all his calculations.²⁰

MR. ((G.)) MACDONELL (Dundas) said, that notwithstanding the jokes of the learned Doctor on the lawyers, he was quite sure that the members of that fraternity would always go hand in hand with the farmers in promoting bills of a useful and practical character, like the one before the house, and that his friend should not forget that he was

indebted for the present measure to a gentleman of this much maligned profession.²¹

L'hon. M. MORIN a soutenu le principe de la mesure, et a dit que rien ne mérite plus notre sollici((ci))tude que les intérêts agricoles du pays, et que l'on doit adopter de bons moyens pour les servir; telles sont les fermes modèles, les institutions de prix, et les publications, il a dit qu'on devait s'appliquer à encourager le journal agricole que nous avons.²²

MR. JOHNSTON complained that the power of ordering persons to be sent to labour on the farm was, as the bill now stood, confided to two Justices of the Peace, he thought that it should be confined to the Mayor and Aldermen of the city. If his friend would not consent to that course, he (Mr. Johnson) would oppose the bill from one end to the other.²³

Colonel PRINCE (the Chairman) said, that as the bill at present stood, the Mayor and Corporation have authority to send to the farm, all habitual drunkards, and all persons who may be found drunk in the streets; he could not help contemplating the awkward mishap that might befall some worthy member of the Corporation returning from a party, who, if he happened to slip down on his road home, might find himself lodged for two or three months on the industrial farm, with the additional advantage of a little instruction in agricultural improvements. He thought it would be quite sufficient if the habitual drunkard was thus punished; - for himself, if the bill passed, he should always be extremely careful when he happened to be in Toronto.²⁴

MR. ROBLIN thought, that the house should legislate for all classes alike; and should not make any distinction in favour of wealthy corporations. He hoped the clause would not be altered.²⁵

The following amendments were made in the bill. 1st. In the 4th clause the word "County," after the words, "City or," was struck out; and also, the words, "two justices," after the words, "mayor, recorder," 2nd - The words "twelve years of age," were added at the end of the clause; following the words "children and juvenile offenders under," 3rd - A clause was inserted after the seventh clause, to provide for the continuance of the enactments of the bill, until the 5th day of January 1855; and no longer. - 4th - The 8th clause in the original bill was made the 9th of the amended bill.²⁶

(95)

and after some time spent therein,

Mr. Speaker resumed the chair, and Mr. Prince reported that the Committee had gone through the Bill, and had made an amendment thereto,

which amendment was again read at the Clerk's table and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

Then on motion of Mr. Gowan, seconded by the Honourable Mr. Daly,

The House adjourned.

APPENDIX, 7 JANUARY 1845.

((NOTICE OF PROPOSED MOTIONS.))

MR. GOWAN gave notice that he will on Monday move an address to his Excellency, praying that a statement of all sums expended by the Board of Works, since its formation to the present moment, may be laid before the House. Also for a variety of information relative to contracts for the execution of public works tenders for contracts, &c.²⁷

DR. DUNLOP will tomorrow ask the ministry what are the expenses of the Chambly Canal: and what are the salaries of the persons appointed to collect the duties.²⁸

Sol. Gen. ((MR. H.)) SHERWOOD will on Friday move for leave to bring in the County Division Bill.²⁹

MR. BOULTON will to-morrow move for leave to bring in a Bill, to amend the Act as regards savings Banks in Upper Canada.³⁰

MR. MERRITT will bring in a bill to dispose of certain territorial rights, in order to form a permanent fund for the support of common schools and libraries in Upper Canada.³¹

FOOTNOTES - 7 JANUARY 1845.

1. The MONTREAL GAZETTE, 9 January 1845, reported that "After the festivities and relaxation of the 'Christmas recess,' the Honorable Representatives of United Canada met to-day, at 3 o'clock.

The attendance was at first very thin, particularly on the Opposition side; at 5 o'clock the numbers were 35 C., 24 D., but it increased as the evening advanced, and we congratulate the honorable gentlemen on their improved appearance, from which we anticipate, although not gifted with a prophet's prescience, vigour, animation, unanimity, and a speedy dispatch of public business.

The Speaker looked uncommonly well, and lost no time in introducing the business of the evening."

2. BRITISH COLONIST, 14 January 1845, in a report identical to that in the MONTREAL GAZETTE, 9 January 1845. This notice was also reported by: PILOT, 8 January 1845, GLOBE, 14 January 1845, EXAMINER, 15 January 1845, BROCKVILLE RECORDER, 16 January 1845, and ST. CATHARINES JOURNAL, 16 January 1845, in identical accounts.

3. The debate on this motion was reported by: MONTREAL GAZETTE, 9 January 1845; LA MINERVE, 9 January 1845; BRITISH COLONIST, 14 January 1845; and PILOT, 8 January 1845, in an account identical to those in GLOBE, 14 January 1845, EXAMINER, 15 January 1845, BROCKVILLE RECORDER, 16 January 1845, and ST. CATHARINES JOURNAL, 16 January 1845.

4. BRITISH COLONIST, 14 January 1845.

5. MONTREAL GAZETTE, 9 January 1845.

6. BRITISH COLONIST, 14 January 1845.

7. MONTREAL GAZETTE, 9 January 1845.

8. PILOT, 8 January 1845.

9. MONTREAL GAZETTE, 9 January 1845.

10. PILOT, 8 January 1845.

11. The debate on this motion was reported by: LA MINERVE, 9 January 1845; BRITISH COLONIST, 14 January 1845; MONTREAL GAZETTE, 9 January 1845; LE CANADIEN, 13 January 1845; and PILOT, 8 January 1845, in an account identical to those in GLOBE, 14 January 1845, EXAMINER, 15 January 1845, BROCKVILLE RECORDER, 16 January 1845, and ST. CATHARINES JOURNAL, 16 January 1845.

12. ST. CATHARINES JOURNAL, 16 January 1845.

13. BRITISH COLONIST, 14 January 1845.

14. ST. CATHARINES JOURNAL, 16 January 1845.

15. IBID.

16. IBID.

17. BRITISH COLONIST, 14 January 1845.

18. IBID.

19. IBID.

20. IBID.

21. IBID.

22. LA MINERVE, 9 January 1845.

23. BRITISH COLONIST, 14 January 1845.

24. IBID.

25. IBID.

26. IBID.

27. PILOT, 8 January 1845. This notice was also reported by: GLOBE, 14 January 1845, BROCKVILLE RECORDER, 16 January 1845, EXAMINER, 15 January 1845, and ST. CATHARINES JOURNAL, 16 January 1845, in identical accounts; MONTREAL GAZETTE, 9 January 1845, and BRITISH COLONIST, 14 January 1845, in identical accounts; and LA MINERVE, 9 January 1845.
28. PILOT, 8 January 1845. This notice was also reported by: GLOBE, 14 January 1845, EXAMINER, 15 January 1845, BROCKVILLE RECORDER, 16 January 1845, and ST. CATHARINES JOURNAL, 16 January 1845, in identical accounts; and LA MINERVE, 9 January 1845.
29. PILOT, 8 January 1845. This notice was also reported by: GLOBE, 14 January 1845, EXAMINER, 15 January 1845, BROCKVILLE RECORDER, 16 January 1845, and ST. CATHARINES JOURNAL, 16 January 1845, in identical accounts.
30. IBID.
31. PILOT, 8 January 1845. This notice was also reported by: GLOBE, 14 January 1845, EXAMINER, 15 January 1845, BROCKVILLE RECORDER, 16 January 1845, ST. CATHARINES JOURNAL, 16 January 1845, in identical accounts; and LA MINERVE, 9 January 1845.

WEDNESDAY, 8 JANUARY 1845.

(95)

Election, town
of Cornwall.

MR. SPEAKER acquainted the House that Solomon Yowmans Chesley, Esquire, George Hall and Alvin Kezar, had entered into the usual recognizance required by law, on the subject matter of the contested election for the town of Cornwall.

Petitions
brought up.

The following Petitions were severally brought up and laid on the table:--

By Mr. Smith of Wentworth, the Petition of Morris C. Lutz, of the village of Galt, in the county of Halton.

By Mr. Cummings, the Petition of the Reverend A. F. Atkinson and others, Members of the United Church of England and Ireland, in St. Catharines, and its vicinity, in the diocese of Toronto.

By the Honourable Mr. LaFontaine, the Petition of Simon Valois and others, of that part of the parish of Montreal commonly called Hochelaga.

By Mr. Boulton, the Petition of E. Meyers and others, Members of the United Church of England and Ireland, at the Carrying Place, and its vicinity, in the diocese of Toronto; and the Petition of William Langril and others, of Upper Canada.

By Mr. Price, the Petition of William G. Edmundson, of the township of Whitchurch in the Home district.

By Mr. Riddell, the Petition of Thomas W. Marsh and others, Members of the United Church of England and Ireland, in the township of Oxford, and parts adjacent, in the diocese of Toronto.

By Mr. Macdonell of Stormont, the Petition of William Wood and others, of the townships of Cornwall and Osnabrack, in the Eastern district.

By the Honourable Mr. Moffatt, the Petition of the Montreal Board of Trade, (relating to the harbour Commissioners;) the Petition of the Montreal Board of Trade, (relating to the Quebec Forwarding Company;))

MR. MOFFATT on presenting a Petition from the Montreal Board of Trade against the 6th clause in the Act for Incorporating the Quebec Forwarding Company, which limits the liabilities of shareholders; read the Petition at length and stated that he was induced to do so for the purpose of referring to some remarks which he understood to have appeared in one of the City Journals (Pilot.) alleging that he was using his influence to block the passage of the bill with the clause in

question, but that he declared he had used no such influence, that his commitments upon similar clauses in other bills had been frequently expressed before that House, and that though interested in the company to be incorporated he had approved of the insertion of the clause in question.¹

MR. AYLWIN said, that he had seen the same journal, and was grieved at the unfounded statements contained in it. He had also found that collusion was attributed to the hon. member for Montreal and himself on the Petition; the hon. member for Quebec denied that he had any understanding of the subject with the hon. member of Montreal. The Petition came into his hands as other Petitions do, from a portion of his constituency and as he would have done with any other petition, he had presented it.²

Col. PRINCE thought the affair beneath the notice of the House, it was only one of the thousand and one lies of the press, utterly unworthy of notice.³

(95)

and the Petition of the Natural History Society of Montreal.

By Mr. Ermatinger, the Petition of R. W. Branan and others, of Caradoc and other townships, in the London district.

By Mr. Macdonald, of Cornwall, the Petition of J. M'Donald and others, of the county of Stormont, in the Eastern district.

Industrial
Farm.

An engrossed Bill to authorise the Mayor, Aldermen, and Commonalty, of the city of Toronto, to purchase an Industrial Farm in the neighbourhood thereof, and for other purposes relating thereto, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Boulton do carry the said Bill to the Legislative Council, and desire their concurrence.

Ordered, That the Petition of the officers and members of the Talbot Agricultural Society be referred to the Standing Committee on Expiring Laws.

Petition of the
Rev. H. Von
Rohr.

Ordered, That the Select Committee to which was referred the several Petitions of the Municipal Council of the district of Niagara, and the Petition of the Reverend Henry Von Rohr, of the Evangelical Lutheran Church, in the township of Humberston, in the

district of Niagara, be discharged from the further consideration of

(96)

the Petition of the said Reverend Henry Von Rohr, and that the same be referred to the Select Committee to which was referred the Bill to revive and continue for a limited time, part of the fourth clause of an Act passed in the fourth and fifth years of the Reign of Her Majesty, Queen Victoria, intituled, "An Act to secure to and confer upon certain inhabitants of this Province, the civil and political rights of natural born British subjects."

Petition of R.
Defries.

Ordered, That the Petition of Robert Defries,
Post Office Carrier to the Legislative
Assembly, be referred to the Standing Com-
mittee on Contingencies.

It was moved by DR. DUNLOP,⁴ and seconded by MR. MOFFATT, that a Standing Committee of six members should be permitted to assist the Speaker in managing the affairs of the Library; and that the six members be Messrs. Taché, Morin, Papineau, Hale, Sherwood, and Dunlop.⁵

MR. AYLWIN wished to ask before the question was put, what precedent the hon. member could cite for such a motion. It was the first instance of it with which he was acquainted and would require some explanation, which he had no doubt the hon. member, from his great experience, would be very ready to give.⁶ He believed that it was contrary to parliamentary practice, and an unwarrantable innovation. He objected also that the hon. member did not explain his object in the formation of this Committee.⁷

MR. DUNLOP stated, in reply, that it was the invariable practice of the British Parliament to appoint a Committee for a similar object. There was one peculiarity which he noticed. The Speaker acted as Chairman of that Committee, and he believed it was the only instance in which he was called upon to take the Chair in that capacity. He further informed the hon. gentleman opposite, that the motion was copied verbatim et literatem from the journals of the English Commons.⁸

MR. AYLWIN was perfectly satisfied with the explanation.⁹

(96)

Standing Com-
mittee on
Library.

Resolved, That a Standing Committee of six Members,
composed of Mr. Dunlop, the Honourable Mr.
Morin, the Honourable Mr. Solicitor General
Sherwood, Mr. Boutillier, Mr. Hale, and Mr.
Taché, be appointed to assist Mr. Speaker in the direction of the Library,
to which shall be referred all matters relating thereto.

MR. DEWITT,¹⁰ seconded by MR. PRICE, moved that an humble Address should be presented to His Excellency the Governor General, requesting him to lay before the House a statement of all educational establishments in the Province, which were supported by aid from the public funds of the Province; also for a return of the names of the pupils in such schools, together with those of their parents and guardians.¹¹

The Attorney General ((MR. JAMES SMITH)) (East) stated that the Government could have no objection to lay before the House copies of all official papers in their possession in relation to the educational establishments which were supported by the public funds; but that he did not see how it was possible for the Government to give returns of the names of the pupils and their parents, inasmuch as no such returns were in existence that he knew of.¹² To ask for the fathers and mothers of the scholars, was an excess of information not in the power of the ministry to give. If the Hon. gentleman wished for that, the best method would be, to call upon the Heads of Schools to hand in a statement to that effect.¹³

MR. DEWITT replied that he did not think any information that would be given to the House would be satisfactory unless it included the names of the pupils, as without this it could not be ascertained whether the funds had been properly applied¹⁴, ((or)) whether there was any school at all in some of these institutions.¹⁵

The Attorney General ((MR. JAMES SMITH)) said, that the number of pupils in each school could be ascertained, but not the names.¹⁶

MR. BALDWIN thought that it was in the power of the Government to procure any information that they wished for, inasmuch as it was in their power to stop the supplies from any school which neglected to afford the information demanded from them.¹⁷

The Attorney General ((MR. JAMES SMITH)) thought that the proper course would be for the House to call on the Government to furnish to it all the official information in their possession relative to schools ... ((in)) the Province, and, that he would take care that such information should be supplied.¹⁸

MR. MOFFATT, thought that it was unnecessary and improper to apply to the Government for any information of this kind. If any hon. member had reason to believe that malversation of any kind existed in the conduct of any school, it was his duty to bring that particular case before the House and to call for an inquiry.¹⁹

MR. DEWITT agreed to withdraw the latter part of his motion for the names of pupils, &c.²⁰

(96)

On motion of Mr. De Witt, seconded by Mr. Price,

Scholastic
Institutions.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause the proper officer to lay before this House, a tabular Statement of each of the Scholastic Institutions to which an annual grant is made from the funds of the Province, stating the number of pupils in each.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

MR. BOULTON²¹ brought forward his motion for amendment of list of witnesses, in the petition against the return of Mr. Small for the Third Reading of the County of York.²² Since the application was made last evening, he had discovered even more important reasons for its being granted than he had at first put forward. In fact, the most necessary points could not be proved if he were not allowed to amend this²³, in consequence of the Returning Officer having failed in transmitting all the requisite papers, and that in consequence, he was not aware of the names of all the witnesses necessary to be examined, and that he wished, at the same time, to give the opposite party every facility in his power.²⁴ ((Therefore)) he inserted in his motion a clause permitting the sitting member to amend his list as he should see it. He came before the House asking it for indulgence, but he considered that he had a right to do so; for on reference to precedents, he found similar applications were granted in former contested elections of Leeds and Brockville.²⁵

MR. AYLWIN was astonished at the new light in which the hon. gentleman put his case. He now spoke of an indulgence; this was a new tone.²⁶

MR. BOULTON - I said it was a right.²⁷

MR. AYLWIN - Ah! the right came after. Indulgence was the hon. gentleman's new phrase, but he spoke very differently a few days previous, and warned the House to beware, and use great caution in allowing petitions against the seats of hon. Members. Yesterday he (Mr. Aylwin) was anxious to have the motion deferred, being representative of the sitting member, and without any previous knowledge of his intention to make it, and on that account, although under some obligations to the hon. Member, felt that he could safely have demanded it as a right.²⁸ Discussions relative to election petitions were now almost entirely managed by those members of the House who were of the legal profession, and as he himself was one of the judges who would have

to decide on the merits of this question, he would look on it in the light of a question before a jury, and would do all in his power to further the ends of justice.²⁹ It sometimes happened that members were carried away farther than they should permit, from the position they were placed in, but he would endeavor to banish every feeling of partiality for his friend³⁰. He hoped the honourable gentleman would cite other precedents in support of his motion, than those derived from Upper Canada. The Upper Canada laws had always been looked up to as the best precedents to be had, but he would cite precedents from the English law of election. The case of the Middlesex election and another, that of the case of the petition presented on the election of Sir Francis Burdett; when, on an application to the House of Commons for liberty to amend the list of witnesses in certain particulars, by inserting the name of Francis Tomkinson for that of Francis Tomlinson, it was refused.³¹ When the motion was made yesterday, he had objected that it did not come from the right quarter. What was the hon. member's excuse? That he was a young member, unacquainted with parliamentary practice! Well, at least the hon. Gentleman was a member of the long robe, and from his extensive practice must be aware of the customary mode of proceeding, and regretted that he was not guided by it. He confessed that he was astonished to find on reference to the journals that Mr. Boulton was the agent for the petitioners, himself a petitioner, and wished also to be a judge in his own case. He contended that as the agent for the petitioners, the hon. member was incompetent to make this motion. He hoped the hon. member would be induced by the consideration to withdraw his motion, or should he (Mr. Aylwin) be forced to go on.³²

MR. BOULTON - Go on.³³

MR. AYLWIN regretted that the hon. gentleman said so; for if the discussion went further he would find himself in error. How did the case stand? There were three members of the House sworn to try this contest. Two were nominees of their friends, and how was it that the motion was not made by one of them? How was it that the member for Kingston did not make the motion. The hon. gentleman (Mr. Boulton) had placed his confidence in Mr. Macdonald, and intrusted him with its management. Was there anything in Mr. Macdonald's conduct to justify a withdrawal of that confidence? He was sure Mr. Boulton would repudiate any imputation of the kind. And if so, and if the motion was a just one, why did not the hon. member for Kingston make the motion? Why did not Mr. Guillet make it? He was the chairman of the Committee and it would then appear to be a wish on the part of the committee to produce more information to which there would not be the slightest objection. He would further oppose the motion on its merits. By a rule of the House no member who had a pecuniary interest in any question could move in it. The Honourable member was a petitioner and the agent for the petitioners, and if the House refused his motion, and in consequence of that refusal the petition fell to the ground, he would be

personally liable in the costs of that suit - £10, £40, £60, or £100. He would be disqualified in any court of law, and would be told by the judge, Sir, as you have a pecuniary interest in this matter, your testimony cannot be received even under the sanction of an oath.³⁴ The hon. gentleman's colleague, the Solicitor General, yesterday cited a case in support of the present motion, and it struck him at the time that the Solicitor General in citing that case was aware of the transaction, and cited as a precedent the case of a gentleman named Jones - probably he was interested in that case.³⁵

Sol. Gen. ((H.)) SHERWOOD - No.³⁶

MR. AYLWIN - The readiness with which the Hon. gentleman had cited that case, showed that he had heard something of it before the motion was made.³⁷ From his familiarity with the case he presumed he was interested in the matter.³⁸

Solicitor General ((H. SHERWOOD)) - He was not.³⁹

MR. AYLWIN continued⁴⁰ - But he might also have cited other precedents; those brought forward by Mr. Boulton. The contested elections for the town of Brockville and the County of Leeds in 1835. In both a similar permission was granted to amend the lists of witnesses; but he had no hesitation in saying, that such precedents were more honoured in the breach than in the observance. It was well known that the elections of 1835 were very disturbed, so much so that it was necessary to pass a district law for their settlement, and in consequence of that law, Mr. Gowan and another gentleman were obliged to vacate their seats. Precedents in contested elections should **never** be drawn except from those which were settled coolly, calmly, and deliberately, and he could assure the house that precedents from 1835 would never have any weight with him. He appealed to the contested election for the town of Niagara, that was the latest instance of an application. It was framed in terms exactly similar to the one now made, the petitioner praying to be allowed to send in additional list of witnesses which was refused by the House. He was not aware of the circumstances connected with the election, but believed that as a precedent it was far preferable to those drawn from the Journals of 1835. If then it were competent for the House to reject such an application in 1841, it must be equally so in 1845, and he would put it to the learned Sol. General, if the last were not the better precedent, having the advantage of all the additional lights. But he decided that the older the precedent the better; he would then call his attention to the election for no less a place than the County of Middlesex, which, he had no doubt, would have great influence over his legal mind, as also that of the other gentlemen of the long robe, and even over that of the learned member for Huron, who, although not exactly one of the long robe, and disliking lawyers very much was nevertheless in some sort a legal character, as the editor of a treatise

on Jurisprudence - not pure but mixed. The hon. Solicitor General had treated this, as a matter of course, but he (Mr. Aylwin) did not agree with him, and feared the hon. gentleman would be under the painful necessity of intrenching himself behind the precedents of Leeds and Brockville, in default of any in his English Books. The words of the statute are that the list of witnesses shall be handed in and read by the clerk in his place - that was done. And what more? That it shall be examined at a distance, and Commissioners appointed to examine the witnesses named in such list to see if he were correct, he craved that the clerk should be ordered to read the order of the House appointing the Commissioners.⁴¹

Sol. General ((H. SHERWOOD)) - It is exactly as you say.⁴²

MR. AYLWIN, - Well! The House then had appointed a commission to examine the witnesses contained in the list, and he asked, was it in their power to extend the list? Had they the dispensing power to go beyond the statute and say you shall examine witnesses not contained in the list? This was what the Solicitor General said was a matter of course.⁴³ If it was a mere matter of course, then it appeared to him that the House had not the power to grant any leave in contravention of the Act of the 9th George IV, then it was an argument against the Act of the 8th George IV, and the Solicitor General was bound to have brought forward an Act to rescind that Act.⁴⁴ But said the learned Sol. General - What harm can ensue? both parties are situated exactly alike. Neither know what witnesses are required or what objections are to be refuted, and if you concede this, we are bound to allow the sitting member the same privilege. What argument was this? It would clearly be going beyond the statute, and if he found it faulty, he should bring forward a bill for its repeal. What were the precedents brought forward by the Sol. General? Those of the Town of Brockville and the County of Leeds! Certainly no precedents could be compared to those drawn from the County of Leeds. It was fruitful in precedents. But he would tell the hon. gentleman that there was such a precedent from such an insignificant County as Middlesex, and respecting the election of such an unassuming individual as Sir Francis Burdett, entirely opposed to him. And he would beg further to refer him to the contested election for the borough of Truro. By the English law the list of witnesses should be handed in within five or ten days. It was asked was the list put in, in time, as it was not, the committee rose at once and reported that the petition could not be entertained. It was true they did not report it as frivolous and vexatious, consequently the parties escaped without being saddled with costs, which perhaps would not have been the case, if the committee were composed exclusively of lawyers. In conclusion he apologised for occupying the time of the house so long, reiterating that Mr. Boulton having a pecuniary interest in the case could not move or vote in the case.⁴⁵

MR. CHRISTIE agreed in the view taken by Mr. Aylwin, that it would be improper for Mr. Boulton to vote on the question according to the 12th rule of the House.⁴⁶

MR. BOULTON - That is understood.⁴⁷

Col. PRINCE said, he could not agree with his hon. friend Mr. Aylwin - he had argued on false premises, and he feared that gentlemen who were not members of the legal profession might be led astray by⁴⁸ the overpowering eloquence, the persuasive and gentlemanly manner in which his hon. friend on the right had spoken.... He differed however, most decidedly from the hon. member for Quebec, and maintained that the two principal points which he had brought forward on which to ground his opposition to the motion of the hon. member for Toronto could not be maintained. He could not conceive that the hon. member had acted improperly in bringing forward his motion, or that he could be conceived to be partly interested in the result of the election. The fact was that the hon. member for Toronto merely moved that permission should be given by the House to amend an error or omission in the list of witnesses. This amendment in the list could not possibly affect the issue of the question; it was merely intended to effect the purpose of justice by examining witnesses who had important testimony to give in the matter in dispute. He could not conceive what earthly objection hon. members could have to the amendments proposed. On the second point raised by the hon. member, that the addition of witnesses moved for by the hon. member for Toronto was contrary to the law, he could only say that he differed entirely from his hon. friend; it was quite true that the exchange of the lists of witnesses was enforced by law; but what was the case? The practice was invariably departed from: lists were continually exchanged when the investigation was commenced at the bar of the House, or on the day before. The hon. member for Quebec, had stated that in an election enquiry in England two witnesses had been rejected, because when they appeared to be sworn it had been found that their names had been improperly spelt: they were properly rejected, on account of the error: but, he would ask, is that a precedent? Would the agents or nominee of either of the parties have been refused leave to amend the misspelling of these names?⁴⁹

MR. AYLWIN - They would have been refused.⁵⁰

((Col. PRINCE continued:)) No, it would have been allowed, and such allowance would have been both just and equitable. The hon. member for Quebec was well versed in law and ought to know better; when he states that such permission never would be given, does he mean to say that the quirks and quibbles of the law should be allowed to prevent the ends of justice. Let the hon. member divest himself of party-feeling, and forget that he is the nominee in this contested election. His splendid talents, his great eloquence, should render him above mere party-feeling; and he would gladly see the members in general and more particularly

the many talented and rising young men he saw around, resolve to forbear for the future from party displays. He was convinced that they would find it for the benefit of the country. Col. Prince concluded by stating that he thought the honourable member for Quebec would on second thoughts see fit to offer no further opposition to the motion--he (Col. Prince) would vote for it himself as he believed it to be conducive to the ends of equity and justice.⁵¹

The Solicitor General (West) ((MR. HENRY SHERWOOD)) said, that the delay sought for could not be refused on any reasonable principle, he found his first impressions were perfectly correct on that subject. By the Union Act, the rules to be followed in the cases of controverted elections, were directed to be the same that had been observed prior to the passing of that Act. Now in searching the journals of the Parliament of Upper Canada, there would not be found any occasion, upon which application of a similar nature to the present made after the sitting of the commission to examine evidence had been refused. He had mentioned the example afforded by the petitions against the returns for Leeds and Brockville; and why the hon. member for Quebec should have spoken of those two places with so much ironical emphasis, as of places so very insignificant, he (the Solicitor General) could not understand.⁵²

MR. AYLWIN had said nothing which could lead the hon. Solicitor General to suppose that any slight was cast by him upon either Leeds or Brockville.⁵³

The Solicitor General ((MR. H. SHERWOOD)) was glad that the hon. member for Quebec had made that explanation, because he (the Solicitor General) certainly did understand, from the manner in which he spoke, that he had intended to speak of those places, as of altogether too trifling importance to be considered as precedents.⁵⁴

MR. AYLWIN said, he would at once explain what he intended to convey, which was, a comparison between these two places and Middlesex; and the members for those two constituencies, with Sir Francis Burdett.⁵⁵

The Solicitor General ((MR. H. SHERWOOD)) was glad that was the case, because then, the decisions in these two cases must stand for precedents in a case like the one before the House. Those decisions took place at two different times, one of them occurred in 1835, when the political character of the majority of the House approached much more nearly to the opinions which the hon. member for Quebec now held than it does at present. The other was decided in 1836.⁵⁶

MR. AYLWIN--Both in the same session.⁵⁷

The Solicitor General (West) ((MR. HENRY SHERWOOD)) saw that the subject was one which the hon. member felt very acutely, and he thought

it must remind him of what he had said some time ago, about the conduct of petty cases.--When he heard that gentleman just now addressing the house, he could not help being forcibly reminded of it, for he never heard any man yet, ... possessing the same splendid talents, and the same amount of legal knowledge as his learned friend, who was contented, as he had been, to argue such a point without bringing forward even the slightest authority for his opinions; and yet, the whole of his endeavours were directed against a case, supported by two precedents in Upper Canada, which had never been disturbed, and in which it had been clearly established, that after the lists of witnesses had been interchanged, applications from either party might be granted to amend them. The hon. member, however, admitted these two cases as precedents, but he desired the house to follow a more recent one, on the ground, that because newer, it must therefore be better; and accordingly he refers us to the case of the Niagara election petition, in 1841. That case had been mentioned last night, and although he was, at the time, quite sure that some peculiar circumstances were attached to it, yet he did not recollect, at the time, what they were. The facts, however, were these: after the commission was appointed, several circumstances occurred, which prevented it from proceeding on its duties, and a new one was named on the 23rd of July, twenty-two days afterwards; when that commission met, circumstances again occurred to prevent it from proceeding with its duties, and a third one was appointed on the 23rd of August, one month later; and it was not, till after several weeks from the sitting of the last commission, that the motion was made for leave to amend the list of witnesses; and it was refused because the house conceived that plenty of time had been afforded by so many delays, for all parties to be prepared, and that it would not be right to allow further time to be consumed. This was what constantly occurred in Courts of Justice, where parties were always refused leave to amend, when they came too late, and had allowed delay to take place by their own laches. Now, would any man assert, that the precedents afforded by the cases cited of the petitions against the returns for Brockville and Leeds, were to be overruled by such a decision as the one in the petition against the return for Niagara, accompanied with the circumstances which he had mentioned. The hon. gentleman was about to refer to the Portneuf petition, presented during the present Parliament.⁵⁸

MR. AYLWIN interrupted him, and stated that he (Mr. Aylwin) had not voted upon that occasion.⁵⁹

The Solicitor General((MR. HENRY SHERWOOD)) continued. He believed that was the case, he would therefore only refer to what took place upon that petition, and ask if the decision of the house so lately given, in that case was now to be set aside. His friend however had certainly pretended to cite an authority; it was that of a case which occurred in England on the occasion of a disputed election for Westminster, in which a man named Tomkinson, was wrongly called Tomlinson in the list--that of course was a fatal error, because the commission was authorized to

examine only certain witnesses, and they might as well have examined Brown instead of Green, as Tomkinson instead of Tomlinson. The hon. gentleman, however, had told the house, that by granting this petition, it would contravene the terms of the Act of Parliament; let him only examine the clause of the Act to which he had referred, the 8th Geo. 4th, cap 5th, and he would see that the object of that clause was to enable the house to judge whether the case were, or were not, a fit one in which to issue a commission at all. He asked them, what was the ground upon which they could justly refuse his application? When the lists were interchanged neither party was aware what witnesses the other was going to insert in his list, and therefore no one would be deceived or misled by the course which he wished to take. His learned friend had said indeed, that if the list of witnesses were enlarged it could only be for the purpose of increasing the ground of complaints.⁶⁰

Cries of No, No, from the opposition benches.⁶¹

The Solicitor General ((MR. HENRY SHERWOOD)) continued: How could any one tell that any single allegation could be proved by any single witness? Was the house then to be carried away by such arguments as those? The names on the lists of witnesses could make no difference in the charges brought; but, as it was necessary to the ends of justice that they should be enlarged he trusted that the house would grant the party before them the relief sought for. He would conclude by begging his friend to remember, that the opportunity for amendment was allowed in Courts of Law to the greatest possible extent, and that the rules of amendment admit of its being carried far beyond any thing now contended for.⁶²

MR. LAFONTAINE objected to the hon. member for Toronto (Mr. Boulton) who was one of the petitioners against the election, himself making the motion.⁶³

MR. BOULTON appealed to the Speaker on the point of order.⁶⁴

The Speaker ((SIR ALLAN MACNAB)) said that he had heard no reason assigned by the hon. member for Terrebone, in support of his objection, and until some reason was assigned, he could not rule against the motion being made.⁶⁵

MR. GOWAN said, that if the motion were urged he should feel obliged to vote against it.⁶⁶

MR. BALDWIN supported the prayer of the petition, on the ground that the precedents were in favour of that course, though he must say, had there been no cases decided he should have thought that the law required a different course to be taken. He congratulated the hon. member for Essex on the accession of light which he had gained since

the debate on the Leeds petition; at that time he had been for granting no indulgence, but guarding the strict letter of the law; but now he was very anxious to do nothing that should narrow the administration of even-handed justice.⁶⁷

Col. PRINCE said, the difference between the two cases was only this--in the case of the Leeds petition there was a positive law in question, here there was none.⁶⁸

MR. ROBLIN said, that the arguments of the Solicitor General, were quite adverse to those which he had used in the Leeds' case the other night. He (Mr. R.) had voted on that occasion for such a course as he believed would further the ends of justice, and he would now do so again; he would not take advantage of any petty quibble, to put down the petition as was done that night.⁶⁹ Il est très satisfait de voir M. Sherwood paraître enfin s'avouer l'apôtre de la justice; que l'autre soir lorsqu'il s'était agi d'une autre contestation d'élection ... on s'était bien gardé de poser la question sur ce terrain, qu'alors on n'avait, de la part de Messrs. du côté opposé, parlé que de régularité dans les formes, que de rigidité extrinsèque, sans avoir l'air le moins du monde de s'occuper du mérite intrinsèque de la question, qu'alors il ne s'agissait pas du tout d'atteindre le but de la justice, de l'équité, mais de l'observation des formes, de la lettre de la loi. Ce soir (dit l'hon. membre) il en est tout autrement, et il est fier de voir que le sentiment de la justice paraît l'emporter sur la rigueur légale. Il félicite M. Sherwood de paraître enfin se convertir aux bons principes, et il espère qu'il saura également bien les soutenir dans d'autres occasions.⁷⁰

M. SHERWOOD ... se leva pour expliquer qu'il aurait tout prochainement occasion de faire voir que la marche qu'il avait déjà suivie à l'égard de l'autre pétition était parfaitement correcte, et que si M. Roblin ne l'avait pas compris, c'était parce qu'il manquait d'intelligence (for want of intellect!)⁷¹

Ici un orage de cris: à l'ordre! à l'ordre! parti de l'opposition.⁷²

M. LAFONTAINE fit remarquer ... qu'on n'était pas accoutumé dans le Bas-Canada à un pareil langage, et que son parti le repoussait.⁷³

The Attorney-General (East), ((MR. JAMES SMITH)) rose to speak to the point of order raised by the hon. member for Terrebonne; he contended that if the hon. member for Toronto had a right to appear as a petitioner at the Bar of the House for redress, he had also a right to make a motion in his place, for the same object. It was true that he could not vote on the question when put, but sitting there both as a member and petitioner, he was entitled in either capacity to ask for justice, by petition or by motion, according as he was at the Bar or in his place in the House.⁷⁴

MR. BALDWIN said that the appearance of a petition at the Bar of the House was merely an application for justice, and before the Speaker was in a condition to put any question originating in any petition, it must be moved by some member that it be considered, and it appeared to him that any person incapable of voting on the question was incapacitated from moving it.⁷⁵

MR. BOULTON said that the hon. gentleman had no very perfect recollection of Parliamentary precedents, otherwise he would have recollected that on a former occasion he (Mr. Boulton) had appeared as a petitioner at the Bar of the House, and then made a motion for taking the petition into consideration.⁷⁶

MR. AYLWIN denied that the case referred to was analogous to the present one.⁷⁷

MR. BOULTON re-affirmed that it was so, but had no objection that the motion should be made by some other member, and accordingly moved that the motion should be withdrawn.⁷⁸

Colonel PRINCE strongly objected to this course; he protested against wasting the time of the House, for it was clearly intended if the motion was not entertained on its merits to-night, that it should be brought on by some one else to-morrow; if they meant to do any good at all, it was high time they should begin to attend to the real business of the House, for if they continued to go on as they begun, they might go home with their fingers in their mouths confessing that they had wasted their own time and that of the public.⁷⁹

The question being then put, the motion was allowed to be withdrawn.⁸⁰

MR. SHERWOOD then rose and put the same motion.⁸¹

(96)

Election, 3rd
Riding York.

The Honourable Mr. Solicitor General Sherwood moved, seconded by Mr. Duggan, That the list of witnesses put in on the part of the Petitioners against the return of the Honourable James Edward Smali, Sitting Member for the Third Riding of the county of York, be amended by adding thereto the following names:--Felix Fortier, Francis Leys, Edward Skae, John Farquharson, Charles FitzGibbon, John Radenhurst, Edward Goldsmith, William J. Fitzgerald, William Chewitt, and John Smali; and that leave be also given to the Sitting Member to amend his list of witnesses, if required.

He ((MR. H. SHERWOOD)) observed that the sum total of Mr. Roblin's speech was that he Mr. Roblin was an honest man, and that they on his (Mr. Sherwood's) side of the House were all rogues. Whenever the question of the comparative merits of the two petitions could be

properly entered into, he was fully prepared to justify the course he had taken.⁸²

MR. AYLWIN said that whatever were his grounds of opposition to the original motion, they were equally strong to this; and he considered the precedents of Brockville and Leeds bad ones, and in opposition to justice: he would move an amendment for the purpose of recording his opinion on the journals of the House. He desired to show to the country and to a future Parliament that he, and those who agreed with him, had done their duty in resisting this innovation upon established practice. He would move an amendment, that according to the provisions of the Acts of Parliaments now in force for regulating the trials of contested elections in Upper Canada, it was not competent either to the sitting member, or to the petitioner against the return, to put in additional lists of witnesses. Another motive he had in moving this amendment was, that should the same question arise in the next or any future session of Parliament, those who entertained his opinions would see by reference to the journals of the House, that the decision had been come to in a most satisfactory way, namely, by the distinct moving of the question, and by recording the names of those who voted on it. It was therefore immaterial to him how the House decided. He should have just the same satisfaction in seeing himself in the minority as in the majority so that the question was stated.⁸³

(96)

The Honourable Mr. Aylwin moved, in amendment, seconded by Mr. Price, that all the words after "that" in the said motion be struck out, and the following substituted, "after the interchange of lists of witnesses and the reading of such lists by the Clerk of the House, pursuant to the Statute of Upper Canada of the eighth George Fourth, chapter five, it is not competent to this House to permit either the party petitioning against the return and election of a Member of this House, or the Member whose Seat is petitioned against, to put in an additional or amended list of witnesses, and that both parties are excluded from putting in such amended or additional list."

M. LAFONTAINE fit remarquer qu'il était bien de l'opinion de son honorable ami quant à la lettre de la loi, mais qu'il avait été entendu avec les membres du Haut Canada qu'on permettrait de donner de nouvelles listes lorsque cela serait nécessaire, et il ajoute que quant à la motion il espère qu'on aura assez d'intelligence pour la comprendre.⁸⁴ Mr. Lafontaine ((suggested that Aylwin repeat his remarks in French.))⁸⁵

MR. AYLWIN repeated his arguments in French.⁸⁶

(96)

The question having been put on the motion of amendment, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Aylwin, Boutillier, Cauchon, DeWitt, Franchère, LeMoine, Nelson, Price, Scott, and Taché--(10.)

NAYS.

Armstrong, Baldwin, Bertrand, Brooks, Chabot, Chalmers, Chauveau, Christie, Colville, Cummings, Daly, De Bleury, Desaunier, Dickson, Drummond, Duggan, Dunlop, Foster, Gowan, Greive, Hale, Jessup, Jobin, Johnston, Lacoste, LaFontaine, Lantier, Lawrason, Leslie, Macdonald of CORNWALL, Macdonald of GLENGARRY, Macdonald of KINGSTON, Macdonell of DUNDAS, Macdonell of STORMONT, M'Connell, Merritt, Méthot, Meyers, Moffatt, Morin, Murney, Papineau, Powell, Petrie, Prince, Riddell, Roblin, Rousseau, Seymour, Sherwood of BROCKVILLE, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Smith of WENTWORTH, Stewart of PRESCOTT, Thompson, Webster, and Williams--(58.)

So it passed in the negative.

The question being then put on the main motion, it was agreed to unanimously, and

Ordered accordingly.

Reduction of
Salaries.

Ordered, That Mr. Christie have leave to bring in
a Bill to reduce, in accordance with the
circumstances of the Province, certain salaries,
not on the Civil List thereof, and to fund fees of office, allowing
the incumbents fixed salaries in lieu.

He accordingly presented the said Bill to the House,

MR. CHRISTIE ⁸⁷ rose to move the first reading of the bill which had previously been laid on the table of the House, and the motive of which the hon. gentleman explained at some length, but in a tone of voice nearly inaudible; we understood it to be a bill for the reduction of all salaries of Government Officials above £300 a year, by means of a scale of taxation ascending, until on the higher classes of salaries, it reached 25 per cent. The bill also contained clauses prohibiting the holding more than one office by the same individual, or at least the receiving of pecuniary benefit for more than one office; and for the making of annual returns by officials of emoluments of every description received by them; and of the authorities under which they are received; with specifications of a great number of particulars, especially of the amount, and the mode of employment of public monies in their hands.⁸⁸

MR. AYLWIN said, that at this stage of the public business, it would be impossible to enter fully into the project of the hon. member for Gaspé; but it appeared to him that whatever were the merits of the bill, it was one which ought not to originate with him, but ought to be introduced and submitted for discussion by the Government itself. He deprecated the introduction of measures of large reforms, both in the principles and tenure of office, on any responsibility less than that of the Government; all such reforms ought to proceed from that side of the House, and he would advise the hon. gentleman to withdraw the bill.⁸⁹

The Attorney General ((MR. J. SMITH)) said, that there could be no doubt of the general principles laid down by the hon. member for Gaspé, and that if there was anything practically good in his bill it was the duty of the Government to take all that was good, and apply it; but they had not had time to give all these matters consideration; he considered that attending to them was the proper duty of the Ministry. He could not say, from the short time he had been able to devote to the reading of the bill, that he fully comprehended the purport of its enactments.⁹⁰

MR. CHRISTIE would be happy if his hon. friend the Attorney General would take possession of the bill: and should the Government, either this session or the next, introduce any measure based upon it, they should have his hearty concurrence.⁹¹

(96)

and the same was received and read for the first time, and ordered to be read a second time, on Wednesday, the twenty-ninth instant.

Feudal Tenure. Ordered, That Mr. Christie have leave to bring in a Bill to abolish, at a certain period therein mentioned, the feudal tenure in Lower Canada, and to indemnify the Seigniors therefor.

He accordingly presented the said Bill to the House, and the same was received and read for the first time,

MR. CHRISTIE⁹² rose to move the second reading of a Bill already introduced and on the table of the House, for the abolition of the Feudal Tenure in Lower Canada. The hon. gentleman explained the provisions of his Bill at considerable length--its objects were to convert all lands now held by the Censitaires en roture into franc alleyn, or free and common succage (sic) tenure, and to compensate the Seigneurs for their loss by such conversion. He said that he considered the exact time when the abolition of the Feudal Tenure was effected to be of comparatively little importance, but unless the Legislature came to the determination that at some certain time the system now existing was to be put an end to, they would never see the object effected. The beginning the work was one half its accomplishment; the leading

feature of his Bill was that in the year 1850, the whole should be at an end, and the tenure en route cease and determine; but he did not care if the year 1860 or 1870 were assigned as the date, so long as its abolition was distinctly provided for. In framing his Bill, he had adopted for the preamble the Act of the English Parliament, (so we understood the hon. gentleman) passed in the Reign of Charles the Second, for the abolition of the most grievous incidents of the Feudal Tenure, as then existing in England, and he had also embodied in it other suggestions, originating in enquiries springing from attempts at legislation in this country. The hon. gentleman entered into these at considerable length, but in so low a tone of voice, that we could not follow him with accuracy. He proposed to convert the whole soil of the country into franc alleyn, subject to certain fixed rents, or rents constituës, to compensate the Seigneurs for their interests in the conceded lands; but those Seignories which had never been settled at all, or in which the concessions and settlements were very inconsiderable, he proposed to re-invest to the Crown, with such compensation to individual interests as justice to the Seignories might require. If the legislature did not set about this reform, the difficulty of effecting it would increase every day, and after the expense that had already been gone to in making enquiries, and the many which had been made, of which the results were already before the House, he thought no better time could be selected for setting about the work than the present. He could assure his hon. friends on the Treasury Benches, that he would rejoice much if they would relieve him of this burden, by themselves initiating a measure for this most desirable object. He moved that the Bill be read a second time that day month.⁹³

((M. CHRISTIE était)) secondé par M. ARMSTRONG.⁹⁴

MR. AYLWIN commenced by complimenting the hon. member for the attention he had bestowed upon this important subject, and for his zeal in thus bringing it before the Legislature; he (Mr. Aylwin) thought however, that the hon. member was doing the work of the Ministers, and to this he could not consent.⁹⁵

Here MR. CHRISTIE ... remarked, "I am a deputy Minister."⁹⁶

MR. AYLWIN was very far from concurring in the motion--he did not hesitate to say that he had a very strong sympathy for vested interests, and he thought that if the Legislature meddled with them it should do so with great caution. He did not think the Feudal Tenure the best which could be devised, but he did not think that the evil was so very enormous, nor that it was so great a bugbear as represented; nor would he be led by any pleadings for the rights of the many to do injustice to the few.⁹⁷

MR. ARMSTRONG thought that the mischiefs of the Feudal Tenure were

no bugbears at all. In its actual practice, and more especially as it worked in the districts, the system was most infamous, and the Government ought immediately to direct its attention to it.⁹⁸ In the district of Montreal it was particularly oppressive.⁹⁹

MR. AYLWIN denied that he was opposed to reform, but he would oppose, and it was the duty of the Legislature to oppose, any man's being robbed of his Seignior, the same as of his purse. After all the thing was not so bad in practice as it was in principle.¹⁰⁰

MR. CHRISTIE explained that his Bill did the Seigneurs no wrong, and provided for their compensation for the loss of anything they lawfully possessed. It must be remembered that their title to the soil of their fiefs was not absolute, but they were rather trustees of it for the public good, and they were bound by their own tenure to concede to settlers for considerations, in pecuniary amount nearly nominal.¹⁰¹

The Attorney General ((MR. J. SMITH)) said that he was well aware of the difficulties to be encountered in the settlement of this great question.¹⁰² ((Il dit que)) le vénérable président du conseil s'occupe attentivement à préparer une mesure sur le sujet mais que l'administration n'a pas encore eu le temps de le parfaire.¹⁰³ He admitted that it was important that any measure for the purpose should be introduced by the Government; but he complained that¹⁰⁴ he thought it was too much for the hon. member for Quebec to be continually making these covert attacks upon the Ministry. Ministers could not undertake everything at once, but it was quite unfair, that upon a member starting any subject, that hon. gentleman should get up and insinuate that Ministers were neglecting their duty, because they had not taken up that particular subject.¹⁰⁵

MR. AYLWIN and MR. CHRISTIE both disclaimed the intention of making any charge.¹⁰⁶

((The Attorney General MR. J. SMITH continued:)) No one was better aware than he was of the great difficulties in the way of introducing a ... measure which would give satisfaction to the country, and which not merely interfered with and dealt largely in the vested rights of individuals, but did the most important thing that any act of the Legislature could do in any country, namely settle the tenure of the whole land, and which if it did that, so as to give anything like general satisfaction, must do so without touching needlessly the rights of individuals. He protested against being subjected night after night to imputations of not having done his duty, when he had not been in office more than a few months and could not possibly have matured measures of such variety and magnitude as those which he was taunted with for not having laid on the table of the House. Hon. gentlemen spoke on the necessity of settling this question, but was the necessity a new thing? If it was needful now that they should deal with tenure of lands, was it not as needful in the two or three last Sessions of

Parliament as in the present one? Why was the introduction of the measure reserved to the present moment and coupled with a reproach that this ought to be a Government measure? And that thus, questions ought not to be left to be dealt with by individuals but ought to be grappled with by the Executive Council. He admitted that each and all of those measures should be introduced by the Government; but he would say in vindication of himself and his colleagues, that it was totally impossible for them during the time they had been in office to prepare them. He would never bear taunts such as these directed against himself or the Government, of which he had the honour to form a part, without rising to repel them. Though these questions were of great importance they were not such as had pressed more particularly upon the ministers, but they would in future give their careful attention to them. With respect to the feudal tenure he would really feel obliged to any one who would suggest a scheme which they could propose with any prospect of giving satisfaction to the country, and nothing could be more difficult than to do so and at the same time satisfy every one interested in it.¹⁰⁷

MR.LAFONTAINE said a few words in French.¹⁰⁸ M. La Fontaine répond au préopinant, il l'invite à montrer plus de modération, et à se rappeler qu'il lui siérait tout aussi bien de ne pas faire le leçon à ses adversaires, et l'hon. membre (M. L.) dit ensuite ... que les membres de l'administration actuelle (sic) devaient se taire à l'égard de la liste civile, lorsque le chef du gouvernement refuse de communiquer à la chambre les papiers qu'elle a demandés à ce sujet.¹⁰⁹

MR. CHRISTIE asserted that the measures he had introduced were entirely his own, and devised without any communication with the gentlemen on that side of the House. He deprecated the waste of the time of the House in discussions of this kind; too much time had been thrown away in talking, and he had seen some remarks in a paper, that morning ... the most sensible of any he had seen since the Union.¹¹⁰

MR. AYLWIN also disavowed the intention of casting any reproach upon the Attorney General, or the Government of which he was a member, but he would remind him, if he would choose to make remarks in a sense in which they were never intended, he was treading upon very dangerous ground. If there was any truth in the reports of the replies of the Right Honourable Baronet at the Head of the Government, to addresses presented to him eleven months ago--if the volume in which they were collected was not an arrant forgery--he would remind him that there was even then a Responsible Government, and Executive officers charged with its administration, the hon. and learned gentleman was not the Government, not even the leading member of it. There was the Attorney General West, who was in the other House, and the President of the Council who was in neither; and Mr. Draper and Mr. Viger, who must be regarded as the principal members of the Administration, had been in

office each more than a year, and could not plead for their omissions, want of time to acquaint themselves with the business of the country. He felt for the Attorney General, who had been but a short time in office bearing the burden of which he seemed so sensitive, but he must remind him that if he voluntarily put himself in bad company, he must take the consequences. (Laughter). The reproach cast against the Administration for not having dealt with this question came with a particularly bad grace from the hon. and learned gentleman. This was not a matter which they had neglected; he was himself employed as a commissioner, and he (Mr. Aylwin) believed was being well paid for being so, which was last session printed and fully circulated as it ought to be, by the late Administration; and how would they with any propriety come down with a bill before there was time for the constituents to read the report on which it was founded.¹¹¹

MR. COLVILLE rose to express his deep regret, that on this most important question, affecting the rights and property of almost every man in Lower Canada, the debate had turned, not on the merits of the question, but on criminations and recriminations of hon. gentlemen, who ought, or ought not to have taken charge of it. He himself thought that this was a measure which ought to be left in the hands of the Government. He suggested to Mr. Christie to give the Government time to prepare its measure and to withdraw his Bill, with the understanding that the Ministers would introduce a Bill as early as possible. If he remembered right, the Commissioners had stated in their report that they had not obtained evidence sufficient to act upon, and that they wished for further powers, particularly to examine papers. He thought it would be better if the Government would use their larger powers of inquiry, and then introduce a Bill.¹¹²

MR. MOFFATT stated, that the hon. member for Beauharnois had said much of what he himself intended to say. Whoever would settle this question in a manner satisfactory to the country would deserve its best thanks. At the same time, it was a question not to be tampered with, and he wished to see a measure proceed from the Government after a most extensive enquiry, and deliberate consideration, and such a measure as would be likely to be passed. If the question were to be so frequently introduced, it would shake security in all the property in the country, for what confidence could be placed in investments in land if a fresh scheme for dealing with it was introduced every year? He was confident that neither the object of the Bill, nor the reputation of the author would be endangered by withdrawing it; every one would do justice to Mr. Christie's good intentions; his own (Mr. Moffatt's) opinion was, that the commutation, in the mode proposed, would be attended with great difficulties, and, according to his idea, the attempt had best be made by facilitating voluntary commutations, and then, in conjunction with the act for the registration of titles, he was sanguine that in a few years a great change would be effected, without arousing any violent feeling in the country. He thought that Mr. Christie's scheme was,

on the whole, too cumbrous; let the Seigneur first of all be able to settle with the censitaire, and then with the Crown, accounting to the Crown once or twice in the year for the commutations. He was satisfied that this plan, in conjunction with the registration of titles, would be conducive to a great and beneficial change.¹¹³

MR. DRUMMOND said that judicious Legislation upon the land tenure of Lower Canada was always desired by the people, and that the "cry" so industriously kept up for years grossly misrepresented their wishes.¹¹⁴

MR. GOWAN thought that the Bill ought to be printed, and if a better scheme could be devised before the second reading let it be brought forward.¹¹⁵

DR. NELSON was of the same opinion; several of the present ministers were seigneurs, or the relatives of seigneurs; he hoped this question would be forced on and not shuffled off. The learned member enumerated a great many seignories in which the ministers and their friends were interested, and expressed great distrust of their conduct in the matter.¹¹⁶

It was then agreed without a division, that the Bill be read a second time that day month.¹¹⁷

(96)

and ((the bill was)) ordered to be read a second time, on Wednesday, the fifth day of February next.

Public
Accounts.

Ordered, That Mr. Merritt have leave to bring in a Bill, to prescribe the manner in which the Public Accounts shall be annually laid before the Legislature.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Wednesday, the twenty-second instant.

On motion of Mr. Dickson, seconded by Mr. Duggan,

Cornwall con-
tested Election.

Resolved, That the Petition of S. Y. Chesley, Esquire, and others, electors of the town of Cornwall, complaining of the undue election and return of Rolland Macdonald, Esquire, be taken into consideration by this House, on Tuesday, the fourteenth day of January, instant, in lieu of Thursday, the ninth instant; as before appointed by this House, and that it be then the first Order of the Day.

Real Estate,
Canada West.

The Order of the Day, for the second reading of the Bill to afford relief in certain cases, to settlers of real estate in Canada West, being read,

The said Bill was accordingly read, and committed to a Select Committee, composed of Mr. Boulton, the Honourable Mr. Baldwin, the Honourable Mr. Solicitor General Sherwood, Mr. Macdonald, of Kingston, and Mr. Prince, to report thereon with all convenient speed; with power to send for persons, papers and records.

Commutation
of Tenure.

The Order of the Day, for the second reading of the Bill, the better to facilitate commutation of the tenure en roture, in the Seigniories and Fiefs in Lower Canada, into that of free and common soccage, being read,

Ordered, That the said Bill be read a second time, on Wednesday, the twenty-second instant.

Monopoly of
streams.

The Order of the Day for the second reading of the Bill to declare illegal the existing monopoly of streams, mill sites and water powers, claimed and exercised in the Seigniories in Lower Canada, by the

(97)

respective Seigniors and proprietors thereof, being read,

Ordered, That the said Bill be read a second time, on Wednesday, the twenty-second instant.

Calling of
Meetings of
Relations, &c.

The Order of the Day for the second reading of the Bill to enable Notaries to call meetings of relations and friends in certain cases, without being thereunto specially appointed or authorized by a judge, being read,

Ordered, That the said Bill be read a second time, on Wednesday, the fifteenth instant.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, laid before the House by Command of His Excellency, the Governor General,

Debentures,
River Trent.

Return to an Address from the Legislative Assembly to His Excellency, the Governor General, bearing date the 10th ultimo, praying that His Excellency would be pleased to lay before them "An account in detail of all monies raised by sale of Debentures, under and by virtue of an Act of the Legislature of the late Province of Upper Canada, intituled, 'An Act granting to His Majesty a sum of money to be raised by Debentures for the improvement of the navigation of the river Trent,' passed in the seventh year of the reign of His late Majesty, King William the Fourth, chapter 66, and a detailed statement of the expenditure thereof."

(See end of Journal.)

*Then, on motion of Mr. Macdonald of Dundas, seconded by Mr. Williams,
The House adjourned.*

APPENDIX, 8 JANUARY 1845.

((NOTICE OF PROPOSED MOTIONS))

COL. PRINCE gave notice, that he will, on this day week, introduce a Bill, for the re-establishment of Agricultural Societies in Upper Canada.¹¹⁸

MR. CUMMINGS will on Thursday bring in a Bill to empower District Councils to impose a tax on dogs; and also to regulate Temperance houses in their several Districts.¹¹⁹

MR. AYLWIN, before giving notice of a motion which would convey a censure on the Ministry, wished to inform them that it was his intention to ask how some information that had been demanded was not given to the House.¹²⁰

The Attorney-General ((MR. J. SMITH)) interrupted the hon. gentleman to inform him that the information would be laid before the House immediately. The only excuse he could offer for the delay, is the immense amount of business.¹²¹

FOOTNOTES - 8 JANUARY 1845.

1. MONTREAL GAZETTE, 11 January 1845.
2. IBID.
3. IBID.
4. The debate on this matter was reported by: MONTREAL GAZETTE, 11 January 1845; and BROCKVILLE RECORDER, 16 January 1845, in accounts identical to that in EXAMINER, 15 January 1845.
5. MONTREAL GAZETTE, 11 January 1845.
6. BROCKVILLE RECORDER, 16 January 1845.
7. MONTREAL GAZETTE, 11 January 1845.
8. BROCKVILLE RECORDER, 16 January 1845.
9. IBID.
10. The debate on this matter was reported by: MONTREAL GAZETTE, 11 January 1845, in an account identical to that in GLOBE, 21 January 1845; and BROCKVILLE RECORDER, 16 January 1845, in an account identical to that in EXAMINER, 15 January 1845.
11. MONTREAL GAZETTE, 11 January 1845.
12. IBID.
13. BROCKVILLE RECORDER, 16 January 1845.
14. MONTREAL GAZETTE, 11 January 1845.
15. BROCKVILLE RECORDER, 16 January 1845.
16. MONTREAL GAZETTE, 11 January 1845.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. The debate on this matter was reported by: MONTREAL GAZETTE, 11 January 1845, and GLOBE, 21 January 1845, in accounts which are identical except that in the GLOBE some speeches have been omitted entirely; BRITISH COLONIST, 17 January 1845; LA MINERVE, 9 January 1845; PILOT, 10 January 1845; BROCKVILLE RECORDER, 16 January 1845, in an account identical to that in EXAMINER, 15 January 1845; and BRITISH WHIG, 14 January 1845, copied from MONTREAL HERALD, in which large portions are identical to the reports in MONTREAL GAZETTE and GLOBE.
22. BRITISH COLONIST, 17 January 1845.
23. BROCKVILLE RECORDER, 16 January 1845.
24. BRITISH COLONIST, 17 January 1845.
25. BROCKVILLE RECORDER, 16 January 1845.
26. IBID.
27. IBID.
28. IBID.
29. GLOBE, 21 January 1845.
30. BROCKVILLE RECORDER, 16 January 1845.
31. BRITISH COLONIST, 17 January 1845.
32. BROCKVILLE RECORDER, 16 January 1845.
33. IBID.
34. IBID.
35. BRITISH WHIG, 14 January 1845.

36. BROCKVILLE RECORDER, 16 January 1845.
37. IBID.
38. GLOBE, 21 January 1845.
39. IBID.
40. IBID.
41. BROCKVILLE RECORDER, 16 January 1845.
42. IBID.
43. IBID.
44. GLOBE, 21 January 1845.
45. BROCKVILLE RECORDER, 16 January 1845.
46. IBID.
47. IBID.
48. BRITISH WHIG, 14 January 1845.
49. MONTREAL GAZETTE, 11 January 1845.
50. IBID.
51. IBID.
52. GLOBE, 21 January 1845.
53. IBID.
54. IBID.
55. IBID.
56. IBID.
57. IBID.
58. BRITISH COLONIST, 17 January 1845.
59. IBID.
60. IBID.
61. IBID.
62. IBID.
63. GLOBE, 21 January 1845.
64. IBID.
65. IBID.
66. IBID.
67. BRITISH COLONIST, 17 January 1845.
68. IBID.
69. GLOBE, 21 January 1845.
70. LA MINERVE, 9 January 1845.
71. IBID.
72. IBID.
73. IBID.
74. GLOBE, 21 January 1845.
75. IBID.
76. IBID.
77. IBID.
78. IBID.
79. IBID.
80. IBID.
81. IBID.
82. IBID.
83. IBID.
84. LA MINERVE, 9 January 1845.

85. GLOBE, 21 January 1845.
86. IBID.
87. The debate on this matter was reported by: MONTREAL GAZETTE, 11 January 1845, copied by KINGSTON NEWS, 16 January 1845, GLOBE, 21 January 1845, and BRITISH COLONIST, 21 January 1845, in accounts which are identical except that in the GLOBE some speeches have been omitted entirely; LA MINERVE, 9 January 1845; and BRITISH WHIG, 14 January 1845, copied from MONTREAL HERALD.
88. BRITISH COLONIST, 21 January 1845.
89. IBID.
90. IBID.
91. IBID.
92. The debate on this matter was reported by: MONTREAL GAZETTE, 11 January 1845, copied by KINGSTON NEWS, 16 January 1845, GLOBE, 21 January 1845, and BRITISH COLONIST, 21 January 1845, in accounts which are identical except that in the GLOBE, and BRITISH COLONIST some speeches have been omitted entirely; BRITISH WHIG, 14 January 1845, copied from MONTREAL HERALD; LA MINERVE, 9 January 1845; and PILOT, 10 January 1845. The BROCKVILLE RECORDER, 26 January 1845, noted the debate.
93. GLOBE, 21 January 1845.
94. LA MINERVE, 9 January 1845.
95. PILOT, 10 January 1845.
96. IBID. Christie said this "in a jocular manner". Furthermore, "this expression was playfully repeated by Mr. Aylwin in the course of some subsequent remarks."
97. GLOBE, 21 January 1845.
98. IBID.
99. PILOT, 10 January 1845.
100. GLOBE, 21 January 1845.
101. IBID.
102. IBID.
103. LA MINERVE, 9 January 1845.
104. GLOBE, 21 January 1845.
105. BRITISH WHIG, 14 January 1845.
106. GLOBE, 21 January 1845.
107. IBID.
108. MONTREAL GAZETTE, 11 January 1845.
109. LA MINERVE, 9 January 1845.
110. GLOBE, 21 January 1845, which tentatively identified the newspaper as the COURIER.
111. GLOBE, 21 January 1845.
112. IBID.
113. IBID.
114. PILOT, 10 January 1845.
115. GLOBE, 21 January 1845.
116. IBID.
117. IBID.
118. BROCKVILLE RECORDER, 26 January 1845.

- 119. IBID.
- 120. IBID.
- 121. IBID.

THURSDAY, 9 JANUARY 1845.

(97)

Mr. LeBoutillier.

JOHN LE BOUTILLIER, Esquire, Member for the county of Bonaventure, having previously taken the oath according to law, and subscribed, before the Commissioners, the Roll containing the same, took his seat in the House.

Election,
North Riding
Lincoln.

The hour appointed for taking into consideration the Petition of Samuel Wood and others, electors of the North Riding of the county of Lincoln, district of Niagara, complaining of the undue election and return of William Hamilton Merritt, Esquire, as a Member to represent the said North Riding of the county of Lincoln, in this present Parliament, being come,

The House proceeded to the appointment of a Select Committee to try and determine the merits of the said Petition.

The Sergeant-at-Arms was directed by Mr. Speaker to go with the Mace to the places adjacent, and require the attendance of the Members on the business of the House.

And he went accordingly.¹

Messrs. Berthelot, Harrison, Small, William Stewart, and Taschereau, absent.²

The Speaker ((SIR ALLAN MACNAB)) handed a note to the Clerk to read, inclosing a Surgeons certificate³, from Dr. Courtland, of Bytown⁴, that Mr. Stewart is unable to attend his Parliamentary duties from the state of his health.⁵

MR. MORIN stated that he had received a letter from Mr. Taschereau, requesting him to inform the House that he was unable to leave his apartments, but hoped shortly to be at his post.⁶

With respect to the absence (sic) of Mr. Harrison, the Att'y General ((MR. JAMES SMITH)) held in his hand, a motion, for the Speaker to issue a new writ for the County of Kent. As since his election, Mr. Harrison had accepted the office of Judge in the Surrogate Court.⁷

At this announcement, there was a perfect storm of "Hear," "Hears," from all sides.⁸

The Att'y General ((MR. JAMES SMITH)) ... ((laughed)) most heartily.⁹

(97)

And being returned the House was called, and more than thirty Members being present,

Mr. Speaker called upon the Petitioners, their counsel or agent, to appear at the Bar.

John Mittleberger, Esquire, appeared at the Bar as counsel for the Petitioners.

Mr. Speaker called upon the sitting Member, his counsel or agent, to appear.

Mr. Merritt, sitting Member for the said North Riding of the county of Lincoln, appeared in his place, on his own behalf.

John Mittleberger, Esquire, counsel for the Petitioners, presented a List of Witnesses in the case of the Petition of Samuel Wood and other electors of the North Riding of the county of Lincoln, in the district of Niagara, which was read by the Clerk, as follows:--

NAMES.	RESIDENCE.
Honourable Dominick Daly, Prov. Secy.,	Montreal.
Honourable Hamilton H. Killaly, President	
Board of Works	do
Thos A. Begley, Secretary of the Board	
of Works	do
Charles Richardson, Barrister at Law ...	Niagara.
Edward Wm. Thomson	Niagara Dist.
George Prescott	St. Catharines.
John Mittleberger	do
Samuel Power	do
Samuel Keefer	Montreal.
John H. Connolly	do
Felix Fortier, with Poll Books	do
Charles Rolls	Grantham, N. D.
George Barnet	St. Catharines.

Mr. Merritt handed in a list of witnesses required in behalf of himself as the Sitting Member for the North Riding of the county of Lincoln, district of Niagara, which was also read by the Clerk as follows:--

NAMES.	RESIDENCE.
Elias Smith Adams, Esquire, Re-	
turning Officer	Township of Grantham.
Charles Rolls, do do	do do
Alpheus Spencer St. John, Poll Clerk	do do
John Kerr, Esquire	do do
John Gilleland	do do

Lorenzo D. Raymond, Esquire ..	do	do
William M. Ball, do Returning Officer		Niagara,
Joseph Woodruff, Poll Clerk ...		do
John Ball,		
William Bradt, Ret. Officer	Township of Louth.	
Frederick A. Ball, Poll Clerk	do	do
Daniel Beamer, do	do	do
Robert Henry, Returning Officer		Clinton.
Bowly Kilburn, Poll Clerk.		
Adolphus Nelles, Ret. Officer		Grimsby.
John Miller Camp, Poll Clerk		do
Jacob Kennedy, Returning Officer		Gainsborough.
William Osgood Easton, Poll Clerk		do
James Tisdall, Returning Officer		Caistor.
Stephen Sharp, Poll Clerk		do
Young Ball,		
Hon. D. Daly, Provincial Secy.		Montreal.
Hon. H. H. Killaly, President Board of Works ...		do
J. Power, Esquire, Civil Engineer		St. Catharines.
Jediah Prendergast Merritt ...		do
Thomas B. Merritt ...		do
Bernard Foley, Esquire ...		do
Edward Clark Gamble, Esquire, Judge of the District Court		Niagara
John H. Boulton, Esquire ...		Toronto.
R. S. Turner, do		do
J. C. P. Eston, do		
Thomas Hardy		Gainsborough.
Morse		Grimsby.
Henry Smith		do

Mr. Speaker then desired the Sergeant-at-Arms to lock the doors.

And the doors being locked accordingly, and the Order of the Day for taking the said Petition into consideration being read; the attestation of the Speaker was taken from off the box, in which, agree-

(98)

ably to the statute, the names of all the Members of the House were sealed up, and the same was read by the Clerk, as follows:--

I attest that this box was, on Wednesday, the eighth day of January, 1845, made up in my presence, in the manner directed by an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, intituled, "An Act to repeal an Act passed in the forty-fifth year of His late Majesty's Reign, intituled, 'An Act to regulate the

trial of controverted Elections, or returns of Members to serve in the House of Assembly,' and to make more effectual provision for such trials."

ALLAN N. MACNAB,
Speaker.

The box was then opened, and the attestation of the Clerk was taken out of the box, and read by him, as follows:--

I attest that I did, on Wednesday, the eighth day of January, 1845, in presence of the Speaker of this House, put into a box, in which this attestation is found, the names of all the Members composing the present Legislative Assembly, written upon slips of parchment, and rolled up as directed by an Act passed in the fourth year of the Reign of His late Majesty King George the Fourth, intituled, 'An Act to repeal an Act passed in the forty-fifth year of His late Majesty's Reign, intituled, 'An Act to regulate the trial of controverted Elections, or returns of Members to serve in the House of Assembly,' and to make more effectual provision for such trials."

W. B. LINDSAY,
Clerk of Assembly.

The names of all the Members were taken out of the box, and put into three other boxes.

Mr. Macdonald of Cornwall moved, seconded by Mr. Gowan, that it be resolved that the Resolution of the 9th July, 1841, declaring that a Member already serving upon a Committee, on a contested election, is incompetent to serve upon a second, until the previous Committee shall have finally reported, be rescinded; and that it be further resolved, that such Member is competent to serve on any other Committee or Committees in which his name may be drawn.¹⁰

The Honourable Mr. Aylwin moved, seconded by Mr. Armstrong, the previous question, viz.:

Shall the question be now put on the said motion?

Upon which the House divided, and the names being called for, they were taken down as followeth:

YEAS.

Boulton, Brooks, Chalmers, Colville, Cummings, Daly, DeBleury,
Duggan, Dunlop, Ermatinger, Gowan, Greive, Guillet, Hale, Hall, Jessup,
Johnston, Laurason, Macdonald of CORNWALL, Macdonald of KINGSTON,

Macdonell of DUNDAS, M'Connell, Meyers, Moffatt, Murney, Papineau, Petrie, Riddell, Scott, Seymour, Sherwood of BROCKVILLE, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Stewart of PRESCOTT, Webster and Williams--(37.)

NAYS.

Armstrong, Aylwin, Baldwin, Bertrand, Boutillier, Cameron, Cauchon, Chabot, Chauveau, Christie, Desaunier, Dewitt, Dickson, Drummond, Jobin, LeBoutillier, Lacoste, LaFontaine, Lantier, Laurin, LeMoine, Leslie, Macdonald of GLENGARRY, Macdonell of STORMONT, Merritt, Méthot, Morin, Powell, Price, Roblin, Rousseau, Smith of WENTWORTH, Taché, Thompson and Watts--(35.)

So it was carried in the affirmative.

The question being then put on the main motion, the House divided thereon, and the names being called for, they were taken down as in the last preceding division,

So it was carried in the affirmative, and

Resolved accordingly.

The drawing of the names were then proceeded in, in the usual manner, and the following names were drawn, to which no objection was taken:--

- | | |
|----------------------|----------------------------------|
| 1 <u>Jobin</u> , | 13 <u>Aylwin</u> , |
| 2 <u>Watts</u> , | 14 <u>Smith</u> , of FRONTENAC |
| 3 <u>Papineau</u> , | 15 <u>Taché</u> , |
| 4 <u>Scott</u> , | 16 <u>Macdonell</u> , of DUNDAS, |
| 5 <u>Murney</u> , | 17 <u>Chabot</u> , |
| 6 <u>M'Connell</u> , | 18 <u>Brooks</u> , |
| 7 <u>Chalmers</u> , | 19 <u>Attorney General Smith</u> |
| 8 <u>Price</u> , | 20 <u>Lantier</u> , |
| 9 <u>Cauchon</u> , | 21 <u>Thompson</u> , |
| 10 <u>Laurin</u> , | 22 <u>Lacoste</u> , |
| 11 <u>Greive</u> , | 23 <u>Williams</u> , |
| 12 <u>Guillet</u> , | |

Thirteen other names were drawn and set aside, or excused, as follow:--

Four against whom Petitions are pending.

Nine names were also drawn of Members who were absent.

Mr. Duggan was chosen nominee for the Petitioners.

The Honourable Mr. Baldwin was chosen nominee for the sitting Member.

At half-past eight o'clock, P. M., the parties, with Alfred Patrick, Esquire, Clerk to the Select Committee, retired for the purpose of striking the said Committee.

At ten minutes to nine o'clock, P. M., the Clerk of the Select Committee delivered to the Clerk of the House, a list containing the names of nine members unstruck, composing the Select Committee, which is as follows:--

- | | |
|----------------------|-----------------------------------|
| 1 <u>Papineau</u> , | 6 <u>Macdonell</u> , of DUNDAS, |
| 2 <u>M'Connell</u> , | 7 Attorney General <u>Smith</u> , |
| 3 <u>Chalmers</u> , | 8 <u>Lantier</u> , |
| 4 <u>Laurin</u> , | 9 <u>Williams</u> , |
| 5 <u>Taché</u> , | |

Nominee for the Petitioner, Mr. Duggan.

Nominee for the Sitting Member, the Honourable Mr. Baldwin.

ALFRED PATRICK,
Clerk to the Committee.

The said nine Members and the Nominees were then severally sworn at the table, by the Clerk, in the usual manner.

On motion of Mr. Price, seconded by the Honourable Mr. Aylwin,

Resolved, That the Petition against the return of the Sitting Member for the Fourth Riding of the county of York is not now pending, the Petitioners having failed to enter into the recognizance required by law.

On motion of Mr. Duggan, seconded by the Honourable Mr. Baldwin,

Ordered, That the Committee appointed to try the merits of the Petition of Samuel Wood and others, electors of the North Riding of the county of Lincoln, district of Niagara, complaining of the undue election and return of William Hamilton Merritt, Esquire, do meet in the Committee Room No. 4, to-morrow at ten o'clock, A. M.

Pursuant to the Order of the Day the House was called over.

(99)

Members Absent--

Mr. Berthelot, (Sick.)
 Honourable Mr. Harrison.
 Honourable Mr. Small, (with leave.)
 Mr. Stewart of Bytown, (Sick.)
 Mr. Taschereau, (Sick.)

On motion of the Honourable Mr. Attorney General Smith, seconded by the Honourable Mr. Papineau,

<u>Writ of</u> <u>Election,</u> <u>Kent.</u>	<u>Ordered</u> , That Mr. <u>Speaker</u> do issue his warrant, to the Clerk of the Crown in Chancery, to make out a new Writ for the Election of one Member to serve in the present Parliament, for the county of <u>Kent</u> , in the room and place of the Honourable <u>Samuel B. Harrison</u> , who since his Election hath accepted the office of Judge of the <u>Home District Surrogate Court</u> .
--	--

On motion of the Honourable Solicitor General Sherwood, seconded by Mr. Murney,

<u>South Riding</u> <u>Lincoln.</u>	<u>Resolved</u> , That the Petition against the return of the Sitting Member for the South Riding of the county of <u>Lincoln</u> , is not now pending, the Petitioners having failed to enter into the recognizance required by law.
--	---

On motion of the Honourable Mr. Baldwin, seconded by Mr. Price,

<u>County of</u> <u>Wentworth.</u>	<u>Resolved</u> , That the Petition against the return of the Sitting Member for the county of <u>Wentworth</u> is not now pending, the Petitioner having failed to enter into the recognizance required by law.
---------------------------------------	--

<u>Petitions</u> <u>brought up.</u>	The following Petitions were severally brought up and laid on the table:--
--	--

By Mr. LeMoine, the Petition of T. A. Simard and others, of the seigniority of Deléry in the county of Huntingdon.

By Mr. Nelson, the Petition of Edward Carter Allen, of William Henry, in the county of Richelieu.

By the Honourable Mr. LaFontaine, the Petition of the Reverend M. Morin and others, of Lachenaie and other parishes, in the county of Leinster.

By Mr. Boulton, the Petition of the Right Reverend the Lord Bishop of Toronto and others, members of the United Church of England and

Ireland, in the city and vicinity of Toronto; and the Petition of Paul Shirly and others, members of the United Church of England and Ireland, in the township of Camden and parts adjacent, in the diocese of Toronto.

By Mr. Cummings, the Petition of the Reverend George Mortimer and others, members of the United Church of England and Ireland, in the township of Louth and parts adjacent, in the diocese of Toronto; and the Petition of the Reverend John Anderson and others, members of the United Church of England and Ireland, of Fort Erie and its vicinity, in the diocese of Toronto.

By Mr. Powell, the Petition of James W. Ritchie and others, of the district of Talbot and township of Walpole.

By Mr. Merritt, the Petition of Robert Nickson and others, interested in the Grimsby Pier and Harbour Company.

By the Honourable Mr. Morin, the Petition of James M'Laren, keeper of the common Gaol and House of Correction, in the city of Quebec.

By Mr. Méthot, the Petition of the Reverend Charles E. Bélanger and others, of the township of Stanfold, in the county of Drummond; and the Petition of the Reverend C. L. Gagnon and others, of the counties of Drummond and Megantic.

By Mr. Brooks, the Petition of Charles Rose and others, of Tingwick and other townships; and the Petition of S. M. Taylor and others, of the townships of Melbourne and Shipton, and parts adjacent.

By Mr. Gowan, the Petition of John Kilborn and others, of the Johnstown, Bathurst, and Midland districts.

By Mr. Laurin, the Petition of James Bishop, of the parish of St. Sylvester, in the county of Lotbinière; and the Petition of Charles Juneau de Montreuil, of the city of Quebec.

By Mr. Laurason, the Petition of Charles C. Brough and others, members of the United Church of England and Ireland, in the township of London, and parts adjacent, in the diocese of Toronto.

By the Honourable Mr. Aylwin, the Petition of Joseph Hunt, late a Sergeant in Her Majesty's 37th Regiment of Foot; and the Petition of Joseph Smolinski, of Quebec.

By Mr. Prince, the Petition of John G. Weir, Esquire, and others, of the town of Chatham.

Petitions read.

Pursuant to the Order of the Day, the following
Petitions were read:--

Of John Williams and others, agriculturists, residing in the county of Shefford, praying pecuniary aid to establish and maintain an Agricultural Society in the said county.

Of Messrs. Freeland and Taylor and others, manufacuters of soap and candles in the city of Toronto, praying that the tariff may be so amended as to afford protection and encouragement to those engaged in the said business.

Of William C. Keele, of the city of Toronto, Attorney-at-Law, praying the House to patronize a work published by him, called "Provincial Justice," by conferring upon him, as its author, some favourable mark of distinction.

Of Adam Irvine and others, of the village and township of Ancaster, in the district of Gore, praying for the removal of a certain toll-gate to another situation, or that those going only three-fourths of a mile from the said gate, for certain objects, may be allowed to pass free of toll.

Of Richard M. Boyle and others, contractors on the macadamized road leading from Queenston to Grimsby, in the district of Niagara, praying for the payment of arrears yet due him for the said work, with legal interest thereon.

Of George J. Grange, Chairman, and William Clarke, Secretary, on behalf of a meeting of the inhabitants of the district of Wellington, praying for an appropriation to construct a road from Dundas on Lake Ontario, by the way of Guelph, to Owen's Sound, on Lake Huron, and for aid to complete the roads from Hamilton to Dundas, and from Dundas to Waterloo.

Of the Honourable James Crooks and others, on behalf of a meeting of the inhabitants of the district of Gore, praying for the construction of a public highway between the head of Lake Ontario, at Hamilton, and Lake Huron; and for aid to complete the macadamized roads from Hamilton to Dundas, and to Brantford, and from Dundas to Galt and Waterloo.

(100)

Of the Reverend Jacob Carr and others, of the districts of Wellington and Gore, praying that the rights and privileges, granted to different religious denominations, under the Act 11th, George IV., cap. 36, may be extended to the society, called "The Evangelical Association."

Of Frederick Widder, one of the Commissioners on behalf of the Canada Company, praying that certain powers, petitioned for by the Municipal Council of the district of Huron, relating to the taxation of wild lands, may not be granted.

Of Asa A. Burnham and others, of the town of Cobourg, praying that the limits of the said town may not be so altered as to include their property, in consequence of its distance from the business part of that town.

Of Thomas Syer and others, of the township of Cavan, praying that the School Act, now in operation, may be remodelled or repealed, and a new Act passed, which may have a probability of giving general satisfaction to the inhabitants of the Province.

Of Henry Ort, of the township of Willoughby, in the district of Niagara, praying to be naturalized.

Of Alonzo J. Ewers, of the township of Crowland, in the district of Niagara, praying to be naturalized.

Of Cornelius B. Griffin, of the township of Stamford, in the district of Niagara, praying to be naturalized.

Of the Reverend William Leeming and others, on behalf of the Congregation of Trinity Church, at Chippewa, praying that measures may be adopted for an equitable adjustment of their claim for remuneration, (arising from the circumstance of the burning of the Church in that place by incendiaries), out of the moneys appropriated for such purposes.

Of William Ogden, of the township of Toronto, in the Home district, praying to be remunerated for building a bridge over the river Etobicoke, on the road leading from Toronto to Hamilton.

Of Duncan Wilson, of Sparta, complaining that his property was sold, by order of two magistrates, to pay the expenses incurred in conveying him to prison, when charged with supplying money to the rebels the winter of 1837, and praying relief.

Of the President and Governors of the Corporation of the Montreal General Hospital, praying the House to grant the usual pecuniary aid to the said Institution.

Of John Smith, of Enniskillen, in the Western district, praying to be sustained in his claim for land, as heir of Robert Smith, who was the assignee of George Whitten.

Of Edward Lemieux and others, manufactuers of leather in the district of Quebec, praying for increased duties on leather, manufacured, or unmanufacutred, imported from the United States.

Of Thomas Morgan, of Hallowell, praying for certain amendments to the statute of limitation, and for remuneration for the detention of

certain lands, held under its authority.

Of the Municipal Council of the Western district, praying for an aid to build a bridge over the river Thames.

Of the Municipal Council of the Western district, praying for certain alterations to the new Municipal Act.

Of the Municipal Council of the Western district, praying that an additional duty of one penny half-penny per pound, may be imposed on all leaf tobacco imported into this Province, from the United States.

of Mrs. Sarah Alway, widow of the late Robert Alway, Esquire, Member of Parliament of the late Province of Upper Canada, praying that the wages of her late husband for the sessions of 1837, and 1838, may be paid to her.

Of the Reverend Theobald Schneider and others, of the district of Niagara, praying that the rights and privileges granted to certain religious denominations, under the Act 11 George IV., chapter 36, may be extended to the society, called "The Evangelical Association."

Of Richard Brown and others, of the county of Haldimand, praying for the planking of a certain line of communication through the said county.

Of Johnston Neilson, of Carleton Place, district of Bathurst, praying that the rights of natural born British subjects, may not be granted to natives of the United States.

Of Edward Webster and others, of Leeds, and other townships, praying for the survey and improvement of the navigation between the Wiltzie waters, and the river St. Lawrence, via. Gananoque.

Of Benjamin Pomroy and others, of the townships of Compton and Hereford, in the district of St. Francis, praying for a grant of three thousand pounds to complete the road through the Barford woods.

Of Charles Witcher, Esquire, and others, of the county of Sherbrooke, praying for a grant of two thousand pounds, to improve and repair the road from Dudswell to Granby.

Of the President and Members of the London Mechanics Institute, praying an aid in support of the said Institution.

Of John P. Anderson and others, of Quebec, praying for the passing of an Act to prohibit pedlars from carrying on their trade in any of the public places of the said city.

Of James Peirsons and others, of the township of Hillier, praying for a new survey of part of the said township.

Of the President and Members of the Agricultural Society of the district of Montreal, praying for the repeal of the Act 6 Victoria, chapter 12, and that the former Laws regulating winter vehicles may be revived.

Of Mrs. Ann Cuthbert Fleming, praying for an aid to enable her to publish certain Elementary works on the English language.

Of Charles Smith, and Anthony Anderson, of the city of Quebec, Esquires, praying that the privilege, petitioned for by the Corporation of Quebec and by certain inhabitants, of erecting a Bridge over the river St. Charles, may not be granted.

Of Captain David Boyd and others, members of the United Church of England and Ireland, in Chippewa and its neighbourhood; of the Reverend George R. Grout and others, members of the United Church of England and Ireland, in the township of Grimsby, in the district of Niagara; of Thomas H. Maxwell and others, members of the United Church of England and Ireland, in the township of Osnabruck, in the diocese of Toronto; of the Reverend R. J. Macgeorge and others, members of the United Church of England and Ireland, in the townships of Toronto and Chinguacousy, and parts adjacent in the diocese of Toronto; of Sir

(101)

Allan N. MacNab and others, members of the United Church of England and Ireland, in the town of Hamilton, and its vicinity; of the Church Missionary and Indians of the Six Nations, in the diocese of Toronto; of the Reverend William M'Murray and others, members of the United Church of England and Ireland, in the towns of Ancaster and Dundas, and neighbourhood; of the Reverend George Graham and others, members of the United Church of England and Ireland, in the township of Nassagaweya, and neighbourhood; of Hiram Smith and others, members of the United Church of England and Ireland, in the townships of Nelson and Trafalgar, in the diocese of Toronto; of the Reverend Andrew Jamieson and others, members of the United Church of England and Ireland, in the township of Brock and vicinity, in the diocese of Toronto; of John Moberly and others, members of the United Church of England and Ireland, in the township of Tiny and vicinity, in the diocese of Toronto; of the Reverend F. G. Elliot and others, members of the United Church of England and Ireland, in the township of Colchester, and vicinity, in the diocese of Toronto; of James Padfield and others, members of the United Church of England and Ireland, at Smith's Falls, and its vicinity, in the diocese of Toronto; of George Mortimer and others, members of the United Church of England and Ireland, at Thornhill, and vicinity, in the diocese of Toronto; of George Tennant and others, members of the

United Church of England and Ireland, at Carleton Place, and vicinity, in the district of Toronto; of the Reverend J. Beek Lindsay and others, members of the United Church of England and Ireland, in the township of Williamsburg, and other places, in the diocese of Toronto; of the Reverend Job Deacon and others, members of the United Church of England and Ireland, in the townships of Fredericksburg and Adolphustown, in the diocese of Toronto; of the Reverend Frederick A. O'Meara and others, members of the United Church of England and Ireland, in the Mahmetooahning Islands, in the diocese of Toronto; of John Tamlinson and others, members of the United Church of England and Ireland in the township of Richmond, and vicinity, in the diocese of Toronto; of George Johnstone and others, members of the United Church of England and Ireland in the township of Wilmot, and neighbourhood; and of the Reverend Henry Patton and others, members of the United Church of England and Ireland, in the town of Kemptville, and its vicinity, in the diocese of Toronto, praying for an Address to Her Majesty, recommending the passing of an Act to assign to the said Church of England, such proportion of the Clergy Reserve Lands, as shall correspond with her share of the funds arising from the same; and to authorize the Church Society, of the diocese of Toronto, to propose a system for the future management of their portion of the said lands.

Of John White and others, of Hamilton, in the district of Gore, praying to be naturalized by Act of Parliament.

Petitions
referred.

T. Maxwell
and others.

Ordered, That the Petition of Thomas H. Maxwell and others, members of the United Church of England and Ireland, in the township of Osnabruck, in the diocese of Toronto, be referred to the Select Committee, to which was referred the Petition of the Church Society of the diocese of Toronto, and other references.

MR. ((G.)) MACDONELL,¹¹ of Dundas, moved that the petition of John McLean (sic), praying for remuneration fro the erection of a lock on the St. Lawrence, be referred to a select committee. On a former occasion he had met with some opposition in making the motion on the ground that motions for aid or remuneration could be made by the Ministry alone, in accordance with the spirit of the Union Act. These objections were chiefly urged by the ex-ministry, but he would not be bound by any observations they chose to make, as it would be inconsistent with the rights of the House, or the Colonial position of the country to do so. He was not surprised at any opposition he received, after that which was given to the petition for relief presented by his hon friend from Beauharnois, but after the expression of the house in the previous discussion, he felt he had a right to bring this one forward, and only postponed it in deference to the opinions of certain hon friends with whom he was in the custom of acting, and who were not then quite prepared to proceed with it. He regretted, he did not say it however in a spirit

of reproach, he regretted that the Ministry did not think it their duty to take the petition under their immediate protection, but he at the least, felt it his duty to bring up the petition of a British subject for assistance or relief and would have no hesitation in doing so in future, the right being conceded in the Beauharnois case. He would ask of what value would be the right of petition, if the member in whom a constituent confided his interests had not the right of referring his petition to a committee to report on it, and certainly it was the right of a subject to put his petition for relief into the hands of his representative who would press it more warmly than those to whom he was a stranger. He felt that however they may repose on the Government, or whatever confidence they may place in the ministry, the petitions were far safer in the hands of the representatives than with them. He felt, indeed he feared that there would scarcely exist a ... ((chance)) of any party being heard, because he believed that if the Government were defeated on any vote for money they would be obliged to go out of office¹².

No, No.¹³

Yes! ((retorted MR. GEORGE MACDONELL.)) He believed it was so, it is the case in England. After being defeated on a money vote, they would immediately be met with a vote of want of confidence, and consequently it was not to be expected they would approach these questions with that avidity which would be desirable. If the representatives of the people had not the right to take these steps then the remark of Dr. Dunlop was well made that they had no business in the house, and the Government might carry on the business of the country by themselves. He was in the House as the bearer of petitions, to state the wants of those who sent him to it, and he hoped they would not be travelling out of the spirit of the provincial constitution in voting this reference.¹⁴ Il lit la pétition.¹⁵

The motion was seconded by DR. DUNLOP.¹⁶

MR. CHRISTIE said that this petition prayed for compensation for a work of immense benefit to the public, and he could not understand how any petition could be hereafter received if this were rejected.¹⁷

It is received.¹⁸

Well then! ((continued MR. CHRISTIE)) If it be received, in common decency allow it to be referred to a committee. Every person knew that none but the ministry could move for the disposal of a single fraction according to the Union Act, but would the House commit the suicidal act of shutting up shop and leave everything to the five or six men who were there to carry on the Government. If that were the

construction put upon the Union Act, then there was an end to Responsible Government¹⁹.

Hear, hear, from DR. DUNLOP.²⁰

((MR. CHRISTIE:)) And there was an end to common decency.²¹

(101)

J. M'Bean.

Resolved, That the Petition of John M'Bean, of Lancaster, in the Eastern district, be referred to a Select Committee, composed of Mr. Macdonald of Dundas, Mr. Cameron, Mr. Gowan, Mr. Lantier, and Mr. Scott, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

B. Brewster
and others.

Ordered, That the Petition of Benjamin Brewster and others, proprietors and landholders, residing in the neighbourhood of the city of Montreal, praying that the regulations respecting the Montreal Turnpikes may be rendered more equitable, be referred to the Select Committee to which was referred the Petition of M. F. Valois and others, inhabitants of Lachine and other parishes, and other references.

MR. COLVILLE²² presented a petition from Mr. Larocque and others, inhabitants, of the County of Beauharnois. He said that as the petition came from Beauharnois, it might be supposed by some gentlemen that it contained something opposed to Responsible Government; that however was not the case - it merely related to the management of winter roads. He must say, that he hoped, notwithstanding the decision just come to in favor of the petition from Mr. M'Bean, that the same justice would be meted out to Beauharnois as to the rest of the Province.²³

(101)

C. Larocque
and others.

Ordered, That the Petition of C. Larocque and others, inhabitants of the county of Beauharnois, be referred to the Select Committee to which was referred the Petition of Michel Houle and others, of the city of Montreal, carters, and other references.

Ordered, That the said Committee have power to report by Bill or otherwise.

Agricultural
Society, Montreal.

Ordered, That the Petition of the President and members of the Agricultural Society of the district of Montreal, be referred to the said Committee.

Z. Maçon
and others.

Ordered, That the Petition of Zozime Maçon and others, inhabitants of the county of Two

Mountains, be referred to the said Committee.

J. Neilson. Ordered, That the Petition of Johnston Neilson of Carleton Place, district of Bathurst, be referred to the Select Committee to which was referred the Bill to revive and continue, for a limited time, part of the fourth clause of an Act passed in the fourth and fifth years of the reign of Her Majesty Queen Victoria, intituled, "An Act to secure to and confer upon certain Inhabitants of this Province, the Civil and Political Rights of natural born British Subjects."

E. Webster Ordered, That the Petition of Edward Webster and and others. others, of Leeds and other townships, be referred to the Select Committee to which was referred to the Select Committee to which was referred the Petition of Ephraim Webster and others, inhabitants of Gananoque, Leeds and Landsdown.

Smith and Ordered, That the Petition of Charles Smith and Anderson. Anthony Anderson, of the city of Quebec, Esquires, be referred to the Select Committee to which was referred the Petition of J. G. Tourageau and others, inhabitants of the city of Quebec and its vicinity, and other references.

J. Peirsons and Resolved, That the Petition of James Piersons and others. others, of the township of Hillier, be referred to a Select Committee, composed of Mr. Smith of Frontenac, Mr. Macdonald of Kingston, Mr. Murney, Mr. Roblin and Mr. Meyers, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers and records.

F. Widder. Resolved, That the Petition of Frederick Widder, one of the Commissioners on behalf of the Canada Company, be referred to a Select Committee, composed of Mr. Meyers, the Honourable Mr. Moffatt, Mr. Williams, Mr. Dunlop, and Mr. Boulton, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

A. A. Burnham. Resolved, That the Petition of Asa A. Burnham and others, of the town of Cobourg, be referred to a Select Committee, composed of Mr. Meyers, Mr. Williams, Mr. Hall, Mr. Seymour, and Mr. Boulton, to examine the contents thereof, and to

(102)

report thereon with all convenient speed; with power to send for persons, papers, and records.

United Church
England and
Ireland.

Ordered, That the various Petitions received this day from the Members of the United Church of England and Ireland, be referred to the Select Committee, to which was referred the Petition of the Church Society of the diocese of Toronto, and other references.

Ordered, That the Petition of the Reverend Jacob Carr and others, of the districts of Wellington and Gore, be referred to the Standing Committee on Private Bills.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, delivered to Mr. Speaker three Messages from His Excellency, the Governor General, signed by His Excellency.

And the said Messages were read by Mr. Speaker, all the Members of the House being uncovered, and are as followeth:--

C. T. METCALFE.

Steamer
Unicorn.

The Governor General informs the Legislative Assembly, in answer to their Address relative to the supposed intended discontinuance of the communication between Quebec and Pictou by means of Her Majesty's hired Steam Packet "Unicorn," that he will recommend the subject to the favourable consideration of Her Majesty's Government, although no intention of dispensing with the services of the "Unicorn" has been communicated to the Governor General.

GOVERNMENT HOUSE,
Montreal, 24th December, 1844.

C. T. METCALFE.

Colonel Fitz-
Gibbon.

The Governor General recommends the case of Colonel FitzGibbon to the consideration of the Legislative Assembly.

On more than one occasion the Legislature of the late Province of Upper Canada recorded their sense of the long and patriotic services of this officer, and their desire that he should receive, as a mark of the Royal favour, some compensation and reward for his gallantry, zeal, and fidelity.

The mode, however, in which it was intended to make this compensation appeared to Her Majesty to be open to serious objection, and while,

fully recognising Colonel FitzGibbon's claims, Her Majesty was advised that they could not be remunerated in the manner proposed by the Legislature, without establishing an inconvenient precedent; at the same time, it was intimated that if the Legislature desired to mark their sense of Col. FitzGibbon's services by a pecuniary grant, it would be recommended for Her Majesty's approval.

After the repeated recognition of Col. FitzGibbon's claims, the Governor General feels it unnecessary to do more than to express his readiness to concur with the Legislature in redeeming the pledge thus given to reward the faithful services of this old and meritorious servant of the Crown.

GOVERNMENT HOUSE,
Montreal, 3d January, 1845.

C. T. METCALFE.

Political
Offenders,
Exiles.

The Governor General informs the Legislative Assembly, in reply to their Address praying that the misguided individuals who were transported to the penal colonies for political offences committed in 1837 and 1838, and who have by Her Majesty's clemency been pardoned, might be afforded a free passage to England or some of the British Isles, that the Governor General will recommend the subject to the favourable consideration of Her Majesty's Government.

The Governor General further has great satisfaction in informing the Legislative Assembly, that he has received intelligence of the safe arrival in England of thirty-eight of the persons referred to, and of an arrangement having been entered into, with the assistance of Her Majesty's Government, for their conveyance from thence to their native country, and to the bosom of their families.

GOVERNMENT HOUSE;
Montreal 26th December, 1844.

B. Turquand,
Esquire.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor General.

Return to an Address of the Legislative Assembly to His Excellency, the Governor General, bearing date the 17th ultimo, praying His Excellency to be pleased to direct the proper officer to lay before the House, copies of the instrument under which Bernard Turquand, Esquire, acted as Receiver General, from the time of the resignation of that

office by the Honourable John Henry Dunn, until the appointment of the Honourable William Morris, as Receiver General of this Province, and of the bond or bonds given by the said Bernard Turquand, Esquire, for the due discharge and performance of his duty.

Province of
Canada. }

C. T. METCALFE.

VICTORIA, by the Grace of GOD of the United Kingdom of Great Britain
and Ireland, QUEEN, Defender of the Faith,
COMMISSION &c. &c. &c.

Appointing Ber-
nard Turquand,
Esquire, to be the
Receiver General
of Canada.

To Bernard Turquand, Esquire, and to all
to whom these Presents shall come,

GREETING:

Recorded, 2nd
January, 1844.

R. A. TUCKER,
Registrar.

KNOW YE, that reposing trust and confidence
in your loyalty, integrity, and ability, we
have assigned, constituted, and appointed,
and by these Presents do assign, constitute, and
appoint you the said Bernard Turquand to be our
Receiver General in and for our said Province of
Canada, in the place and stead of the Honourable
John Henry Dunn, resigned: To have, hold, and

enjoy the said Office unto you the said Bernard Turquand, for the time
being and until Our Royal Pleasure shall be further expressed and made
known in relation to the said office, and during your actual residence
within our said Province, together with all the rights, profits,
privileges and advantages therewith belonging and appertaining: Provided
always, that you the said Bernard Turquand do execute the said office
in your own proper person, except in case of sickness or other
incapacity: Provided also, that you the said Bernard Turquand give
good and satisfactory security for duly accounting for all moneys that
shall come into your hands under a certain Act of the Parliament of
the United Kingdom of Great Britain and Ireland passed in the Third
and Fourth years of our Reign, entitled, "An Act to re-unite the
Provinces of Upper and Lower Canada and for the Government of Canada,"
and also for all other moneys that shall come into your hands under
and by virtue of any other Act or Acts either of the said Imperial
Parliament or of the Parliament of Lower Canada or Upper Canada or of
our said Province of Canada, or otherwise, by virtue of the said office
of Receiver General: And provided also that you faithfully observe
and obey all orders and directions that may from time to time be
lawfully given you by our Governor of our said Province, for the time
being, in relation to the keeping of your accounts, and the receipt,
deposit, payment, and accounting for all and every such moneys as
aforesaid.

In testimony whereof, we have caused these Our Letters to be made patent, and the great Seal of our said Province to be hereunto affixed: Witness our right trusty and well beloved Sir Charles Theophilus Metcalfe, Baronet, G. C. B., one of our Most Honourable Privy Council, Governor General of British North America, and Captain General and Governor-in-Chief in and over our Provinces of Canada, Nova Scotia, New Brunswick and the Island of Prince Edward, and Vice

Recorded, 2nd
January, 1844.

R. A. TUCKER,
Registrar.

(103)

Admiral of the same, &c. &c. &c., at Kingston, this thirtieth day of December, in the year of our Lord one thousand eight hundred and forty-three, and in the seventh year of our reign.

C. T. M.

WILLIAM H. DRAPER,
Queen's Counsel.

By Command,
D. DALY,
Secretary.

Provincial Registrar's Office,
Montreal, 6th January, 1845.

Certified to be a true copy of the Record, with which it has been carefully collated.

R. A. TUCKER,
Registrar.

WHEREAS His Excellency, the Governor General, of the Province of Canada, has been pleased to appoint me Bernard Turquand, of the town of Kingston, in the said Province, Esquire, to be Her Majesty's Receiver General in and for the said Province until the pleasure of Her Majesty be made known. NOW KNOW ALL MEN by these presents that I, the said Bernard Turquand, am held and firmly bound to Her Majesty, Her Heirs, and Successors, in the sum of two thousand pounds of lawful money of the said Province, for which payment to be well and truly made to Her Majesty, Her Heirs and Successors, I bind myself, my heirs, executors, and administrators, firmly by these presents, sealed with my Seal, and dated this third day of February, in the year of our Lord one thousand eight hundred and forty-four. Now the

BOND
Of Bernard Tur-
quand, Esquire,
Receiver General
of Canada.

£2000 Currency.

Recorded, 12th
February, 1844.

R. A. TUCKER,
Registrar.

SECURITIES.

C. F. Forbes,
Esquire; Benjamin Holmes, Es-
quire; Alexander
M'Lean, Esquire;
Thomas Kirk-
patrick, Esquire.

condition of this obligation is such, that if I the said Bernard Turquand do well and truly account for and pay over all moneys that shall come into my hands under a certain Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the third and fourth years of Her Majesty's Reign, entitled, "An Act to re-united the Provinces of Upper and Lower Canada and for the Government of Canada," and also all other moneys that shall come into my hands under and by virtue of any other Act or Acts either of the said Imperial Parliament or of the Parliaments of Lower Canada or Upper

Canada, or of the Province of Canada, or otherwise, by virtue of the said office of Receiver General, and also do faithfully observe and obey all orders and directions that may from time to time be given me by the Governor of this Province for the time being in relation to the keeping the accounts of the said office of Receiver General, the receipt, deposit, payment, and accounting for all and every such moneys as aforesaid, and do also at all times when thereunto lawfully required by the Governor of this Province or person administering the Government thereof, produce and show to any person or persons duly appointed by the Governor or persons administering the Government of this Province, a full, true and particular accounts of all moneys which shall or may have come into my hands by reason of the said Office of Receiver General, and do duly account for and pay over any balance which may then appear to be due, and do also in all things faithfully discharge, keep, and fulfil all the duties arising from the said office of Receiver General, then this obligation to be null and void, otherwise to remain in full force, virtue, and effect.

B. TURQUAND. (Seal.)

Sealed and Delivered in
the presence of

THOMAS GALT.

Provincial Registrar's Office,
Montreal, 6th January, 1845.

Certified to be a true copy of the Record, with which it has been carefully collated.

R. A. TUCKER,
Registrar.

WHEREAS His Excellency, the Governor General of the Province of Canada, has been pleased to appoint Bernard Turquand, Esquire, to be
No. CCCLXVI.

BOND.

Of Charles John Forbes, as one of the Sureties of Bernard Turquand, Esquire, Receiver General.

£500 Currency.

Recorded 13th February, 1844.

R. A. TUCKER,
Registrar.

Her Majesty's Receiver General in and for the said Province, until the pleasure of Her Majesty be made known. NOW KNOW ALL MEN by these presents that I, Charles John Forbes, of Carillon, in the said Province of Canada, Esquire, am held and firmly bound to Her Majesty, Her Heirs, and Successors, in the sum of five hundred pounds, of lawful money of the said Province, for which payment to be well and truly made to Her Majesty, Her Heirs, and Successors. I bind myself, my heirs, executors, and administrators, firmly by these presents, sealed with my Seal, and dated this sixth day of February, in the year of our Lord one thousand eight hundred and forty-four. Now the condition of this obligation is such, that if the said Bernard Turquand shall well and truly account for and pay over all moneys that shall come into his hands, under a certain Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the third and fourth years of Her Majesty's reign, entitled, "An Act to re-united the Provinces of Upper and Lower Canada, and for the Government of Canada," and also all other moneys that shall come into his hands under and by virtue of any other Act or Acts either of the said Imperial Parliament, or of the Parliaments of Lower Canada or Upper Canada, or of the Province of Canada, or otherwise by virtue of the said office of Receiver General, and also shall faithfully observe and obey all orders and directions that may from time to time be lawfully given him by the Governor of this Province for the time being in relation to the keeping of his accounts, the receipt, deposit, payment, and accounting for all and every such moneys as aforesaid, and shall also at all times, when he shall be thereunto lawfully required by the Governor of this Province, or person administering the Government thereof, produce and show to any person or persons, duly appointed by the Governor, or person administering the Government of this Province, full, true, and particular accounts of all moneys which shall or may have come into his hands by reason of the said office of Receiver General, and shall duly account for and pay over any balance which shall then appear to be due, and shall also in all things faithfully discharge, keep, and fulfil all the duties arising from the said office of Receiver General, then this obligation to be null and void, otherwise to remain in full force, virtue, and effect.

C. J. FORBES. (Seal.)

Signed, Sealed, and Delivered,
in presence of

J. C. STIKEMAN,
Of Point Fortune.

Provincial Registrar's Office,
Montreal, 6th January, 1845.

Certified to be a true copy of the Record, with which it has been
carefully collated.

R. A. TUCKER,
Registrar.

WHEREAS His Excellency, the Governor General of the Province of
Canada, has been pleased to appoint Bernard Turquand, Esquire, to be
Her Majesty's Receiver General in and for the said
No. CCCLXVII.

BOND

Of Benjamin
Holmes, Esquire,
as one of the
Sureties of Bernard
Turquand, Esquire,
Receiver General.

£500 Currency.

Recorded, 13th

February, 1844.

R. A. TUCKER,
Registrar.

that I, Benjamin Holmes, of the city of Montreal,
in the said Province of Canada, Esquire, am held
and firmly bound to Her Majesty, Her Heirs, and
Successors, in the sum of five hundred pounds,
of lawful money of the said Province, for which
payment to be well and truly made to Her Majesty,
Her Heirs, and Successors, I bind myself, my
Heirs, Executors, and Administrators, firmly by
these presents, sealed with my Seal, and dated
this sixth day of February, in the year of our
Lord one thousand eight hundred and forty-four.
Now the condition of this obligation is such,

(104)

that if the said Bernard Turquand shall well and
truly account for and pay over all moneys that
shall come into his hands, under a certain Act
of the Parliament of the United Kingdom of
Great Britain and Ireland, passed in the third
and fourth years of Her Majesty's reign, entitled, "An Act to re-unite
the Provinces of Upper and Lower Canada, and for the Government of
Canada," and also all other moneys that shall come into his hands, under
and by virtue of any other Act or Acts, either of the said Imperial
Parliament, or of the Parliaments of Lower Canada or Upper Canada, or
of the Province of Canada, or otherwise, by virtue of the said Office
of Receiver General, and also shall faithfully observe and obey all
orders and directions that may from time to time be lawfully given him
by the Governor of this Province for the time being, in relation to
the keeping of his accounts, the receipt, deposit, payment and accounting

for all and every such moneys as aforesaid, and shall also at all times when he shall be thereunto lawfully required by the Governor of this Province, or person administering the Government thereof, produce and show to any person or persons, duly appointed by the Governor, or person administering the Government of this Province, full, true and particular accounts, of all moneys which shall or may have come into his hands by reason of the said Office of Receiver General, and shall duly account for and pay over any balance which shall then appear to be due, and shall also in all things faithfully discharge, keep, and fulfil all the duties arising from the said office of Receiver General, then this obligation to be null and void, otherwise to remain in full force, virtue, and effect.

BENJAMIN HOLMES. (Seal.)

Signed, Sealed, and Delivered,
in the presence of

WILLIAM GUNN,
JOHN LLOYD,

At Montreal, 5th February, 1844.

Provincial Registrar's Office,
Montreal, 6th January, 1845.

Certified to be a true copy of the Records, with which it has been carefully collated.

R. A. TUCKER,
Registrar.

WHEREAS, His Excellency the Governor General of the Province of Canada, has been pleased to appoint Bernard Turquand, Esquire, to be Her Majesty's Receiver General, in and for the said Province, until the pleasure of Her Majesty be made known. NOW KNOW ALL MEN by these presents, that I, Alexander M'Lean, of the town of Cornwall, in the said Province of Canada, Esquire, am held, and firmly bound to Her Majesty, Her Heirs and Successors, in the sum of five hundred pounds of lawful money of the said Province, for which payment to be well and truly made to Her Majesty, Her Heirs and Successors, I bind myself, my Heirs, Executors and Administrators, firmly by these presents, sealed with my Seal, and dated

No. CCCLXV.

BOND

Of Alexander M'Lean, Esquire, as one of the Sureties of Bernard Turquand, Esquire, Receiver General.

£500 Currency.

Recorded, 12th
February, 1844.

R. A. TUCKER,
Registrar.

this fifth day of February, in the year of our Lord, one thousand eight hundred and forty-four. Now the condition of this obligation is such, that if the said Bernard Turquand, shall well and truly account for, and pay over all moneys which shall come into his hands under a certain Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the third and fourth years of Her Majesty's Reign, intituled, "An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada," and also all other moneys that shall come into his hands, under and by virtue of any other Act or Acts, either of the said Imperial Parliament, or of the Parliaments of Lower Canada, or Upper Canada, or of the Province of Canada, or otherwise, by virtue of the said office of Receiver General, and also shall faithfully observe and obey all orders and directions, that may from time to time be lawfully given him by the Governor of this Province for the time being, in relation to the keeping of his accounts, the receipt, deposit, payment, and accounting for all and every such moneys as aforesaid, and shall also at all times, when he shall be thereunto lawfully required by the Governor of this Province, or person administering the Government thereof, produce and show to any person or persons, duly appointed by the Governor, or person administering the Government of this Province, full, true, and particular accounts of all moneys which shall, or may have come into his hands, by reason of the said office of Receiver General, and shall duly account for, and pay over any balance which shall then appear to be due, and shall also in all things faithfully discharge, keep, and fulfil all the duties arising from the said office of Receiver General, then this obligation to be null and void, otherwise to remain in full force, virtue, and effect.

ALEXANDER M'LEAN. (Seal.)

Signed, Sealed, and Delivered,
in presence of

S. Y. CHESLEY.
C. COLLINS.

Provincial Registrar's Office,
Montreal, 6th January, 1845.

Certified to be a true copy of the Records, with which it has been carefully collated.

R. A. TUCKER,
Registrar.

WHEREAS, His Excellency the Governor General, of the Province of Canada, has been pleased to appoint Bernard Turquand, Esquire, to be
 No. CCCLXIV.

BOND

Of Thomas Kirk-
patrick, Esquire,
as one of the
Sureties of Ber-
nard Turquand,
Esquire, Re-
ceiver General.

£500 Currency.

Recorded, 12th
February, 1814.

R. A. TUCKER,
Registrar.

Her Majesty's Receiver General, in and for the said Province, until the pleasure of Her Majesty be made known. NOW KNOW ALL MEN by these presents, that I, Thomas Kirkpatrick, of the town of Kingston, in the said Province of Canada, Esquire, am held and firmly bound to Her Majesty, Her Heirs and Successors, in the sum of five hundred pounds, of lawful money of the said Province, for which payment to be well and truly made to Her Majesty, Her Heirs, and Successors, I bind myself, my Heirs, Executors, and Administrators, firmly by these presents, sealed with my Seal, and dated this fifth day of February, in the year of our Lord, one thousand eight hundred and forty-four. Now the condition of this obligation is such, that if the said Bernard Turquand shall well and truly account for, and pay over all moneys that shall come into his hands, under a certain Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the third and fourth years of Her Majesty's Reign, intituled, "An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada," and also all other moneys that shall come into his hands, under, and by virtue of any other Act or Acts, either of the said Imperial Parliament, or of the Parliaments of Lower Canada, or Upper Canada, or of the Province of Canada, or otherwise, by virtue of the said office of Receiver General, and also shall faithfully observe and obey all orders and directions that may from time to time be lawfully given him by the Governor of this Province, for the time being, in relation to the keeping of his accounts, the receipt, deposit, payment, and accounting for all and every such moneys as aforesaid, and shall also at all times when he shall be thereunto lawfully required by the Governor of the Province, or person administering the Government thereof, produce and show to any person or persons duly appointed by the Governor, or person administering the Government of this Province, full, true, and particular accounts of all moneys, which shall or may have come into his hands, by reason of the said office of Receiver General, and shall duly account for, and pay over any balance which shall then appear to be due, and shall also in all things faithfully discharge, keep, and fulfil all the duties arising from the said office of Receiver General,

(105)

then this obligation to be null and void, otherwise to remain in full force, virtue and effect.

THOMAS KIRKPATRICK.

(Seal.)

Signed, Sealed, and Delivered,
in the presence of

EBENEZER TURQUAND.

Provincial Registrar's Office,
Montreal, 6th January, 1845.

Certified to be a true copy of the Records, with which it has been carefully collated.

R. A. TUCKER,
Registrar.

Printing.

Mr. Gowan, from the Standing Committee on Printing and Binding, presented to the House the Second Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee have learned that Bills have been sometimes introduced into your Honourable House, when in fact they have not been completed by the Member introducing them; and even in a few instances they have been introduced in blank. This practice, it appears to your Committee, is not only irregular, but also leads to delay in the printing of all such Bills. Your Committee, therefore, recommend that for the future no Bill be introduced, either in blank, or only in part completed.

To prevent delay your Committee also recommend that after the present week, no Bill or other printed paper shall be issued to the Printers of the House, or be distributed to the Members thereof, except that, contemporaneously with the English edition, the French translation be also printed and distributed.

In order to effect this latter object, your Committee recommend that additional assistance be given to the Law Clerk and Translator, to the end that proper despatch may be had in the distribution of all Bills and other papers, that may be ordered by your Honourable House to be printed.

Ordered, That the said Report be taken into consideration to-morrow.

Report on
Petition of
W. Dunlop,
Esquire, and
others.

Mr. Dunlop, from the Select Committee to which was referred the petition of W. Dunlop, Esquire, and others, inhabitants of Williams and other townships, in the Huron tract, Canada West, with power to report, by Bill or otherwise, presented to the House the Report of said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee have considered the petition referred to them, which complains that a certain mill-dam upon the River Sable is so constructed as to prevent the ascent of fish; and as great public inconvenience must necessarily arise from obstructions of this nature, they would respectfully suggest that provision be made to require all persons who may be desirous of constructing mill-dams, to make provision for the ascent of fish and descent of lumber.

Haldimand
District Bill.

Mr. Thompson, from the Select Committee to which was referred the Petition of Daniel Hoover and others, inhabitants of the county of Haldimand; the Petition of James A. Applebee and others, inhabitants of the county of Haldimand; and the Petition of Robert F. Cooke and others, inhabitants of the county of Haldimand, and other references, with power to report by Bill or otherwise, presented to the House a Bill to erect the county of Haldimand into a separate district, by the name of the Albert district; and the Northern townships of the county of Kent, into a separate district by the name of the district of Moore; which was received and read for the first time, and ordered to be read a second time on Monday, the twentieth instant.

Private Bills.

The Honourable Mr. Morin, from the Standing Committee on Private Bills, presented to the House the second Report of the said Committee, viz.:--

That they had gone through the Bill to approve and confirm an Act of the Imperial Parliament of Great Britain, to incorporate the Gaspé Fishery and Coal Mining Company, without making any amendment thereto.

And the Report was again read at the Clerk's table.

On motion of Mr. Christie, seconded by Mr. De Witt,

Ordered, That the said Bill be engrossed.

College of
Ste. Therèse.

The Honourable Mr. LaFontaine, from the Special Committee to which was referred the Petition of the Reverend Charles J. Ducharme, of the parish of Ste. Therèse de Blainville, in the county of Terrebonne, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee have considered the Petition referred to them, praying for an Act of Incorporation for the College of Ste. Therèse, and beg leave to recommend a compliance with the prayer thereof.

On motion of Mr. Merritt, seconded by Mr. Cameron,

Crown, Clergy
and School
Lands.

Resolved, That a Select Committee, composed of
Mr. Merritt, the Honourable Mr. Papineau,
Mr. Roblin, Mr. Dunlop, Mr. Thompson, Mr.
Gowan, and Mr. Dickson, be appointed to

enquire into the present method of disposing of the Crown, Clergy, and School Lands; the amount collected and paid from year to year into the public Revenue or any other fund, from the proceeds thereof; expenses attending the same, and from what fund paid; including the receipt and expenditure of the Territorial Revenue; to report thereon with all convenient speed; with power to send for persons, papers, and records.

Orders of the
Day.

Ordered, That the Orders of this Day not yet entered upon, be postponed, and that they be placed first on the Orders of the Day for Monday next.

Then, on motion of Mr. Gowan, seconded by the Honourable Mr. Moffatt,

The House adjourned.²⁴

APPENDIX, 9 JANUARY 1845.

((CORRECTION OF ERRONEOUS PARLIAMENTARY REPORT IN MONTREAL
TRANSCRIPT RE: PETITION AGAINST INCORPORATION OF QUEBEC
FORWARDING CO.))²⁵

MR. AYLWIN, was desirous of calling the attention of the House, to a breach of privilege - Something which had occurred last night in that House had been reported in the public prints in a manner which was extremely injurious both to the hon. member for Montreal, and to himself. - He held in his hand an extract from a newspaper, which professed to give a statement of what had then taken place. (He then read, as we understand, from the columns of the Transcript.)

"The Hon. Mr. Moffatt, on presenting a petition relative to the Incorporation of the Quebec Forwarding Company, took the opportunity of stating that he had seen a statement made in a certain Montreal paper (the Pilot) to the effect that he (the hon. member) had a large sum of money vested in its stock. The hon. Gentleman declared that this allegation was a gross and unfounded slander; that he was in no way connected with the company, and had no interest whatever in its affairs.

MR. AYLWIN said he had seen the same journal, and was grieved at the unfounded and false statement contained in it. He had also heard that a collusion was attributed to the Hon. Member for Montreal. The petition came into his hands, as all other petitions did from a number of his constituents, and as he concurred in its prayer, he had presented it, and would support it - believing that the House would not quarrel with a clause contained in it. He did not believe that the Hon. Mr. Moffatt had any interest whatever in the petition, and was convinced that the statement in the newspaper alluded to was a gross scandal."

The hon. gentleman was proceeding to make some further observations, when he was interrupted by the Speaker²⁶.

((The Speaker SIR ALLAN MACNAB)) informed him that he could not address the House, unless he were about to make a motion.²⁷

MR. AYLWIN continued, he would make a motion, if he were obliged to do so, but he did not wish to take that course if the House would allow him to say a few words, which would detain it a very short time.²⁸

Cries of "move," "move."²⁹

((MR. AYLWIN:)) He repeated that he would be sorry to be forced to make a motion, and would cease at once if Mr. Moffatt said he was satisfied.³⁰

MR. MOFFATT, I am very far from it.³¹

MR. AYLWIN. - Ah! you are not satisfied.³²

MR. MOFFATT, what did the hon. gentleman mean by that Ah!³³ The facts were these,³⁴ it must be in the recollection of every member that he had yesterday³⁵ presented a petition against the 6th clause of the bill for incorporating the Montreal Forwarding Company, and he read that petition at full length. He had been induced to do so in order that he might have an opportunity of referring to certain statements which had been made by a journal of this city, in which he had been accused of having used his influence to carry the clause in question; and he then explained to the House that though he had an interest in the Company, yet he was so far from wishing the Bill to pass with that clause in it, that he had, in accordance with those sentiments which he had often expressed in the House, stated distinctly that he thought the clause ought not to be there. The hon. member for Quebec could now explain his share in the transaction.³⁶

MR. AYLWIN said, he was glad that the House was disposed to give him the opportunity of explaining, and he was glad to see the hon. Solicitor General so disposed to allow that course, notwithstanding he had just now so loudly called upon him to move.³⁷

MR. JOHNSTON called the Hon. Gentleman to order, there was no motion before the House.³⁸

The Speaker ((SIR ALLAN MACNAB)) decided that Mr. Aylwin should have the same permission to explain as was accorded to Mr. Moffatt, and requested him to confine himself strictly to the explanation.³⁹

((MR. AYLWIN)) would take the opportunity then to correct an error - and a gross one it was - which had been made in the extract he had read. Not that he conceived that the character of his hon. friend, the member for Montreal, could be injured by any thing which might appear in public journals, but that he thought that errors in what purported to be accounts of what took place in the House ought to be corrected, and certainly one part of the extract he read was not grossly erroneous, it was this, "the hon. gentleman declared that that statement was slanderous, &." Now so far from that being correct, the hon. member had stated just the reverse, and declared that he had an interest in the Company. On the other hand, he (Mr. Aylwin) had said he was perfectly ignorant of the fact of that hon. member having any interest in the Company. He had said that he felt extremely sorry that something had been published in newspapers and in society, in reference to the manner in which the petition of that Company had been introduced. It had been said that the petition had been sent to the Hon. member for Montreal - that he had declined to present it, and that afterwards it had been sent to him (Mr. Aylwin) and that there was a sort of hocus pocus between that hon. gentleman and himself, by which it was arranged that he (Mr. Aylwin) should present it, and he appealed to the hon. member for Montreal, who at once declared that no correspondence or communication of any kind whatever had been held between

them on the subject.⁴⁰

MR. MOFFATT. - Not the least.⁴¹

((MR. AYLWIN continued:)) There was also in the newspaper he had quoted, an allusion to another paper, the Pilot; and there were some remarks which seemed to indicate that there was a difference of opinion between the Editor of that paper and himself; of course they could say nothing in that House about the opinions of Newspaper editors - it was not of the least consequence whether their opinions agreed with those of hon. members or not; but as the Editor of the Pilot had been a former colleague of his (Mr. Aylwin's,) he would beg leave to state that there was no difference whatever between them, and that nothing which he had said could possibly be so construed as to lead to that conclusion.⁴²

((WITHDRAWN MOTION RE: PETITION OF W. EVANS.))⁴³

MR. CAMERON, seconded by DR. DUNLOP, moved that the petition of Mr. Evans, for a grant in aid of the distribution of his Journal of Agriculture should be referred to a select committee, with power to report by bill or otherwise.⁴⁴ Mr. Cameron ... referred to the great efforts the petitioner had made in favor of agriculture, and the claims his work had on the Province.⁴⁵ He had much pleasure in stating that since the petition was laid on the table, Mr. Evans had received a letter from His Excellency's private secretary, which he proceeded to read, expressing a hope that he would succeed in the prayer of his petition. In calling the attention of the House to the motion, he said it was a subject which recommended itself to every one in the House - being a petition to obtain assistance (sic) in publishing an agricultural journal; and whilst it was the principal support of every state, and the only support of this country, it was almost the only subject which was forgotten in the various discussions in the House, although far more interesting than many which occupied their intention (sic), however beautiful they may be in theory. He held in his hand a statement of expenses of Mr. Evans' Journal during the past year, amounting to £308; but he did not ask remuneration for publishing the journal during the past year, but to be enabled by the grant of a sum of money to distribute through the country a number of copies of his journal, in proportion to the sum granted, and in any manner in which the House would direct.⁴⁶ The hon. gentleman stated that he should not have presumed to bring forward a motion for a money grant without due sanction; but he hoped, after that letter from the head of the Government, that there would be no opposition to his motion.⁴⁷

((MR. AYLWIN asked who had signed the letter.))⁴⁸

The hon. gentleman ((MR. CAMERON)) said the letter was signed by Captain Higginson.⁴⁹

The Attorney General (East) ((MR. JAMES SMITH)) wished to know the precise object of the last part of the motion "that the committee should report by bill or otherwise."⁵⁰ ((He)) would ask if it were the intention of the hon. gentleman that the committee should report by bill for the petitioner to receive a certain sum of money. If so, he would feel it his duty to oppose the motion; but he would have no objection to it, if it were confined to a report in favour of the prayer of the petition.⁵¹

MR. CAMERON said, it was simply sought to obtain the opinion of the Committee.⁵² ((He)) would withdraw the word "bill."⁵³

MR. MORIN ... in French⁵⁴ declared himself to be entirely in favour of granting Mr. Evans' petition. In neglecting to give that gentleman support, the Government had not done its duty. But it was very strange that his Excellency's letter should be read to the House by Mr. Cameron⁵⁵ which he considered an interference with the privileges of the House.⁵⁶ Any letters from the Head of the Government recommending a grant of money should be brought in by the Secretary of the Province alone⁵⁷, the Responsible Secretary of the Government ... ((not)) by the mere Private Secretary of the Governor. Such a course was entirely opposed to every usage of the British Constitution.⁵⁸

The Attorney General (East,) ((MR. JAMES SMITH)) said, that with regard to the letter, he did not conceive it to be any part of his duty to contest the reading of that document; it was for the House to consider how far it was in good taste for a member to read in public a letter which was strictly a private communication. He (the Attorney General) could only say, that the letter certainly did not come from the Governor General in his political capacity. He had himself told the hon. member for Lanark, only that morning, that the petition had not been favourably received by the Government, and the very form and wording of the letter, showed that only the private opinion of the Governor General was conveyed by it. Of course there was nothing irregular or improper in that; the Governor General did not, when he assumed his office, give up the right which every man possessed, of forming a judgment on private matters which came before him, of communicating his favorable opinion and his good wishes to any person who might apply to him; but in his public capacity he had said to the petitioner, I have referred you to my legal advisers, and they do not look at your case in a favorable manner; but at the same time you have all my personal good wishes for your success; that private expression of feeling,⁵⁹ in answer to the repeated and assiduous applications of Mr. Evans,⁶⁰ came as it ought to do through the private secretary of the Governor General; for it was the duty of ministers to convey to the House not the wishes of the Governor General as a private gentleman, but only those which he would have to express as the Representative of the Crown.⁶¹ Surely no blame could be attached to the Administration

because they did not come down to the House with a letter from His Excellency to Mr. Evans containing his good wishes. (Hear, hear.)⁶² He did not mean to say that the House was not competent to take up Mr. Evans's case if they thought proper, but he wished it to be understood that it was not recommended by the Governor General⁶³ for he had no objection to Mr. Evans receiving any sum of money the House might think proper to grant him⁶⁴. He (the Att. General) wished to ascertain from Mr. Cameron if it was his intention that the committee should report by Bill, if so he would oppose it as a matter of form. But if the committee merely report in favour of the prayer of the petition, then it was for the House to consider if the prayer could be granted and how far short the government had fallen in the performance of its duty.⁶⁵

MR. CAMERON said, that the hon. Attorney General must certainly be mistaken in supposing that he had told him the petition had been unfavorably received by the Government. That hon. gentleman before he commented on his (Mr. Cameron's,) want of taste, ought to have enquired farther into the circumstances; had he done so, he would have found that he had obtained the authority of the Governor (sic) General, conveyed through Captain Higginson, for the House to proceed. He (Mr. Cameron,) had heard so many new ideas started about Responsible Government, by the hon. gentlemen opposite, that he did not know but that it was intended that all communications should come through the same channel for the future, as this letter had done.⁶⁶

The Attorney General (East,) ((MR JAMES SMITH)) said, that no doubt, authority was given to publish the letter, but not as an official communication, upon a subject to be brought before the House, it had no marks of being an official letter.⁶⁷

MR. GOWAN wished that the enclosure which accompanied that letter should be read, because it had been mentioned to him by the petitioner that day, that the hon. member for Lanark had not been long known to him; and he almost expressed a kind of regret that he had put the letter into his hands. He said the hon. member had got possession of that letter, and he (the petitioner) did not know whether he had not committed a great error in making it public.⁶⁸

MR. MOFFATT said, he was extremely surprised that so warm an advocate of Responsible Government as the hon. member for Lanark, should not have known that a letter from a Private Secretary had no official character, and ought not to be produced as a public document.⁶⁹

DR. DUNLOP was very little pleased to hear both sides of the House advocating that principle which he never felt himself bound to support - he meant the principle of Responsible Government. He had heard, with much pleasure, the eloquent arguments of his friend the member for Bellechasse, and the not quite so eloquent remarks of his friend the

Attorney General; he had also heard the captious objections of the hon. member for Leeds, but all did not convince him that the hon. member for Lanark had done anything wrong in publishing that letter. The Hon. Attorney General had told the House that the honourable member for Lanark had no right to read a private letter, although he had received the sanction of the writer for so doing, just because those great gentlemen on the Treasury Benches had not been paid enough to say to the Governor General, we give you leave to make known your private opinion. He (Dr. Dunlop) could not see why Sir Charles Metcalfe (he did not now speak of the Governor General) should not have as much right as any other man to give his opinion, nor did he see why the letter containing that opinion should not be read - valeat quantum. For his own part he was sorry to find himself opposing so many gentlemen on both sides of the House, but there were certain subjects on which he differed as much, from one party as from another; and as it had been long ago said of the English Parliament, that there were three sides in the House - the ministerial, the opposition, and Lord. Geo. Gordon, so now he would be quite content that on subjects of this kind there should be three sides in that House - the ministerial, the opposition, and William Dunlop.⁷⁰

MR. JOHNSTON believed that the hon. member for Lanark understood the distinction perfectly well between the letter he had read and an official document. The fact was, that he wished to catch the ministers napping, and then to have them taken up by the gentlemen opposite for their sins against Responsible Government. For his (Mr. Johnston's) part, he did not believe that while there was a responsible ministry in the country the Governor General would ever permit the peddling system to be carried on, of independent members bringing down his wishes to the House. He did not believe that Governor General would so insult his ministers. If the hon. member had succeeded in his attempt, and if ministers had sat quiet and submitted, it would have been thrown in their teeth again tomorrow; any man could see that the whole affair was a contemptible trick.⁷¹

MR. BALDWIN said, that the papers had been merely produced by the hon. member for Lanark to show that Mr. Evans had His Excellency's sanction to introduce this matter⁷², ((and)) to convey to the House the information as to the Governor General's opinions.⁷³

The Attorney General (East) ((MR. JAMES SMITH)) said, that official information was the only kind of information which the House could receive, as to the opinions of the Governor General.⁷⁴

MR. BALDWIN asked for less haste on the part of the hon. gentleman.⁷⁵ ((He)) was only desirous to repel any accusation against his friend of unjustifiable conduct. There was a great difference between doing that, and giving any sanction to the letter being recognized; that was what he should have said, if the honble Attorney General had

allowed him to proceed. He would go still farther, and would assure that honble. gentleman, that it had afforded him the greatest pleasure - although he feared it would inflict some discomfort on the hon. member for Huron - and whether that gentleman was to be Lord George Gordon or not, it always gave him (Mr. Baldwin) great pain to produce any discomfort on his mind. Yet, he said, it afforded him great pleasure to take that first opportunity of testifying his approval of the conduct of the Attorney General - of his coming forward so boldly, and showing his sense of his duty as a Minister of the Crown, who ought not, and who would not, submit to any back-stair influence; but who declares that he is the person to whom the public looks, and who, while he has a voice in the matter, will not suffer anything to be done by the Secretary, or any other personal attendant of the Governor, without his control and sanction. He had, however, so frequently discussed that question, that he would say no more on the subject. He would now advert to another part of the conduct of the honble gentleman, of which he could not approve. He would tell those hon. gentlemen opposite, that they ought not to admit petitions like the one from Mr. McBean, to which they had just referred, to be received at all. He warned them, and he did so with the best feelings towards them, for he knew the difficulties of their position, that those references of petitions, on the merits of which they had decided, would be found to be extremely embarrassing. It has been said by the gentleman who had made the motion for reference of the petition to which he had referred, that it was the duty of members to present these petitions from their constituents. There was no man more disposed than himself to give all due weight to the petitions of the people, and to treat them with all proper respect, but he thought that the members of that House had duties far more important than the presentation of peddling petitions from their constituents. It was all very well for that hon. gentleman to go forward with his petition - he would have no trouble with it - he would not be the party who would be embarrassed (sic), but the Ministers of the Crown would find that it was no little embarrassment (sic), when fifty to sixty had reports from a few petty knots of members, all recommending grants of £50, £60, or perhaps £500 in as many different cases. For a minister to come down to the House and tell them that he had no objection to the reference of a petition, on the subject of which he had made up his mind - he (Mr. Baldwin) was surprised that he did not see the strange position in which he placed himself. He would just refer to one English precedent which occurred to him. It was the case of a Mr. B. Mills, who claimed compensation for the loss of some office which he had held and the Government had decided in a manner inconsistent with what he thought were his rights; accordingly he petitioned Parliament, a thing which he had no doubt a perfect right to do. But did ministers come down and say "We have no objection to the grant of any sum of money which the House may think proper to allow. We have no objection to this petition being referred to a Committee, and when they have made their report we will state why we oppose it." Not at all. The Chancellor

of the Exchequer came before the House and showed his reasons at once, and the House immediately refused to grant the Committee. When this course is taken, it is not from any idea of burking the petition, but it prevents a number of reports from coming in, recommending grants of money after the estimates - perhaps even the additional estimates, are before the House. He repeated, that he did not wish to see ministers embarrassed in this manner.⁷⁶

Hear, hear, from the Ministerial benches.⁷⁷

No, he ((MR. BALDWIN)) did not, whatever gentlemen opposite may think about it; and he would tell them why he did not; because he felt much more interested in carrying out the principles on which the Government was said to be constructed, than in opposing the members of the Government; and when he said so, he did not mean to imply that he had much confidence in those gentlemen; but he wished to oppose them in a direct and open manner. The hon. member for Megantic would recollect, that the course now advocated was the course which he himself had always taken in 1842 and 1843; and he still thought it the course most calculated for the proper and orderly despatch of business. With respect to the approbation of the pursuits of Mr. Evans, conveyed in the letter, it had his entire approval; no one was more anxious than himself to support the industry of the country, and he thought that Agriculture was a pursuit which called for the first and best intellects the country possessed; with that view he had endeavoured during the last Session, to put that science on a higher footing than it had hitherto occupied, by giving it an academical position in the Toronto College, in order that youth might be trained up to a respect for the occupation of their forefathers. These feelings would induce him to support the petition as far as he could; but there was already another, and similar petition before the House, from a gentleman, whom, he believed, Mr. Evans had formerly assisted in his Editorial duties; and if one ought to be entertained, so also should the other. The gentlemen opposite, however, opposed this grant, and they have by far the best means at the disposal of the country; let them give the reason for doing so, and they should have all the support that he could give them.⁷⁸

There were loud cries of question, question, at the conclusion of the hon. gentlemen's remarks.⁷⁹

MR. CAMERON said, that the honble. member for Leeds, who cried question so vociferously, had made a gross attack upon him, which certainly would not benefit the case of the petitioner. He (Mr. Cameron) certainly little expected to meet with an attack from that quarter. He had been said to have got possession of that letter, as if the petitioner had not sent it to him. He would read the House a letter, which he had torn up and thrown beneath his desk, but which he had collected again. It said, "Sir, I have some doubts of my

right to publish the enclosed letter, and accordingly waited upon Capt. Higginson on the subject; he told me I might make what use I pleased of it." After that he (Mr. Cameron) thought he was taking the right course, and that the Lord Bute of the cabinet would have to be for the future always consulted on such matters. At all events, that was his authority for the course he had taken. He was not much in the habit of replying to any thing said by the member for Leeds, either in public or private, but he wished it to be known that he did not get possession of that letter in any improper manner.⁸⁰

MR. GOWAN explained. The petitioner had been introduced to him that day, and the words he made use of to him (Mr. Gowan) were, "that he had known Mr. Cameron a very short time, and was sorry that he had committed his petition to him - that the hon. member had imposed himself upon him, and that he feared he had done wrong in giving him Capt. Higginson's letter."⁸¹

MR. COLVILLE made some remarks, concurring with the views of Mr. Baldwin on Agriculture. He declared, however, that had Capt. Higginson's letter been placed in his hands, he should not have made use of it, and considered that it was highly indecent in any member to have done so.⁸²

((There were)) some further remarks from the Attorney General ((MR. J. SMITH)) and MR. AYLWIN⁸³.

MR. CAMERON agreed to withdraw the motion, on the understanding that it will be brought forward again on a future evening.⁸⁴

((WITHDRAWN MOTION RE: MACADAMIZED ROAD FOR TERREBONNE.))⁸⁵

((MR. SMALL moved to refer)) a petition praying for the establishment of a macadamised road in the County of Terrebonne⁸⁶.

The ... question as to the character of the motion, and with whom its initiation ought to rest, was revived.⁸⁷

After a good deal of discussion the motion was withdrawn ((by MR. SMALL.))⁸⁸

FOOTNOTES - 9 JANUARY 1845.

1. The debate on this matter was reported by: BROCKVILLE RECORDER, 16 January 1845, in an account identical to that in ST. CATHARINES JOURNAL, 23 January 1845; MONTREAL TRANSCRIPT, 14 January 1845; MONTREAL GAZETTE, 11 January 1845, copied by KINGSTON NEWS, 16 January 1845, BRITISH COLONIST, 17 January 1845, EXAMINER, 15 January 1845, and GLOBE, 21 January 1845, in identical accounts; L'AUREOLE, 14 January 1845; and BRITISH WHIG, 14 January 1845.
2. BROCKVILLE RECORDER, 16 January 1845.
3. IBID.
4. MONTREAL GAZETTE, 11 January 1845.
5. BROCKVILLE RECORDER, 16 January 1845.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. From 4 until after 8 o'clock the House sat with closed doors discussing this matter. For commentaries see: BROCKVILLE RECORDER, 16 January 1845; MONTREAL TRANSCRIPT, 11 January 1845; EXAMINER, 15 January 1845; LE CANADIEN, 15 January 1845; and BRITISH WHIG, 14 January 1845.
11. The debate on this matter was reported by: MONTREAL GAZETTE, 11 January 1845, copied by KINGSTON NEWS, 16 January 1845, BRITISH COLONIST, 17 January 1845, EXAMINER, 15 January 1845, and GLOBE, 21 January 1845, in identical accounts; BROCKVILLE RECORDER, 16 January 1845, and ST. CATHARINES JOURNAL, 23 January 1845, in identical accounts; LA MINERVE, 13 January 1845; and BRITISH WHIG, 14 January 1845. The BRITISH WHIG and BROCKVILLE RECORDER wrongly identify the petitioner as Wm. McBean and John McLean, respectively.
12. BROCKVILLE RECORDER, 16 January 1845.
13. IBID.
14. IBID.
15. LA MINERVE, 13 January 1845.
16. BRITISH WHIG, 14 January 1845.
17. IBID.
18. IBID.
19. BROCKVILLE RECORDER, 16 January 1845.
20. IBID.
21. IBID.
22. This matter was reported by: BRITISH WHIG, 14 January 1845; BROCKVILLE RECORDER, 16 January 1845; and MONTREAL GAZETTE, 11 January 1845, copied by KINGSTON NEWS, 16 January 1845, BRITISH COLONIST, 17 January 1845, EXAMINER, 15 January 1845, and GLOBE, 21 January 1845, in identical accounts.
23. BRITISH WHIG, 14 January 1845.
24. The adjournment was at one o'clock, according to MONTREAL GAZETTE, 11 January 1845.
25. The debate on this matter was reported by: BROCKVILLE RECORDER, 16 January 1845; MONTREAL GAZETTE, 11 January 1845, copied by KINGSTON NEWS,

16 January 1845, BRITISH COLONIST, 17 January 1845, EXAMINER, 15 January 1845, and GLOBE, 21 January 1845, in identical accounts; and BRITISH WHIG, 14 January 1845.

26. BRITISH WHIG, 14 January 1845.

27. IBID.

28. IBID.

29. BROCKVILLE RECORDER, 16 January 1845.

30. IBID.

31. IBID.

32. IBID.

33. IBID.

34. BRITISH WHIG, 14 January 1845.

35. BROCKVILLE RECORDER, 16 January 1845.

36. BRITISH WHIG, 14 January 1845.

37. IBID.

38. BROCKVILLE RECORDER, 16 January 1845.

39. IBID.

40. BRITISH WHIG, 14 January 1845.

41. BROCKVILLE RECORDER, 16 January 1845.

42. BRITISH WHIG, 14 January 1845.

43. The debate on this motion was reported by: BROCKVILLE RECORDER, 16 January 1845, in two articles, one of which cites PILOT, 13 January 1845; LE CANADIEN, 15 January 1845; LE JOURNAL DE QUEBEC, 14 January 1845; MONTREAL GAZETTE, 11 January 1845, copied by KINGSTON NEWS, 16 January 1845, BRITISH COLONIST, 17 January 1845, EXAMINER, 15 January 1845, GLOBE, 21 January 1845, in identical accounts; LA MINERVE, 13 January 1845; and BRITISH WHIG, 14 January 1845. There was also a commentary in GLOBE, 21 January 1845.

44. BRITISH WHIG, 14 January 1845.

45. MONTREAL GAZETTE, 11 January 1845.

46. BROCKVILLE RECORDER, 16 January 1845.

47. BRITISH WHIG, 14 January 1845.

48. IBID.

49. IBID.

50. IBID.

51. BROCKVILLE RECORDER, 16 January 1845.

52. MONTREAL GAZETTE, 11 January 1845.

53. BRITISH WHIG, 14 January 1845.

54. BROCKVILLE RECORDER, 16 January 1845, citing PILOT, 13 January 1845.

This speech was described as "eloquent".

55. BROCKVILLE RECORDER, 16 January 1845.

56. MONTREAL GAZETTE, 11 January 1845.

57. BROCKVILLE RECORDER, 16 January 1845.

58. BRITISH WHIG, 14 January 1845.

59. IBID.

60. BROCKVILLE RECORDER, 16 January 1845.

61. BRITISH WHIG, 14 January 1845.

62. BROCKVILLE RECORDER, 16 January 1845.

63. MONTREAL GAZETTE, 11 January 1845.

64. BRITISH WHIG, 14 January 1845.
65. BROCKVILLE RECORDER, 16 January 1845.
66. BRITISH WHIG, 14 January 1845.
67. IBID.
68. IBID.
69. IBID.
70. IBID.
71. IBID.
72. MONTREAL GAZETTE, 11 January 1845.
73. BRITISH WHIG, 14 January 1845.
74. IBID.
75. MONTREAL GAZETTE, 11 January 1845.
76. BRITISH WHIG, 14 January 1845.
77. IBID.
78. IBID.
79. IBID.
80. IBID.
81. IBID.
82. MONTREAL GAZETTE, 11 January 1845.
83. IBID.
84. IBID.
85. The debate on this motion was reported by: MONTREAL GAZETTE, 11 January 1845, copied by KINGSTON NEWS, 16 January 1845, BRITISH COLONIST, 17 January 1845, EXAMINER, 15 January 1845, and GLOBE, 21 January 1845, in identical accounts; and BRITISH WHIG, 14 January 1845.
86. MONTREAL GAZETTE, 11 January 1845.
87. IBID.
88. IBID.

FRIDAY, 10 JANUARY 1845.

(105)

Trial of Oxford
contested
Election.

THE hour appointed for taking into consideration the Petition of the Honourable Francis Hincks, of the city of Montreal, complaining of the undue election and return of Robert Riddell, Esquire, as a Member to represent the county of Oxford, in this present Parliament, being come,

The House proceeded to the appointment of a Select Committee to try and determine the merits of the said Petition.

The Sergeant-at-Arms was directed by Mr. Speaker to go with the Mace to the places adjacent, and require the attendance of the Members on the business of the House;

And he went accordingly.

And being returned, the House was called, and more than thirty members being present,

Mr. Speaker called upon the Petitioner, his counsel, or agent, to appear at the Bar.

(106)

W.B. Richards, Esquire, appeared at the Bar, as counsel for the Petitioner.

Mr. Speaker called upon the Sitting Member, his counsel, or agent, to appear.

Mr. Riddell, Sitting Member for the said county of Oxford, appeared in his place, on his own behalf.

Mr. Richards, counsel for the Petitioner, presented a List of Witnesses, in behalf of the Petitioner, which was read by the Clerk, as follows:--

LIST OF WITNESSES

On the part of the Petitioner, on the Petition of FRANCIS HINCKS, Esquire, complaining of the undue Election and Return of ROBERT RIDDELL, Esquire, as sitting Member for the County of OXFORD:--

NAMES.	RESIDENCE.
1 Jeremiah Cowan	Township of Blenheim.
2 William Winegardin	do do
3 William W. Kitchen	do do
4 Benjamin Horner	do do

		Township of Blenheim.	
5	Wm. Showers	do	do
6	Daniel Winegarden	do	do
7	Wm. L. Goble	do	do
8	Amos Colborne	do	do
9	Wm. O'Brien	do	do
10	John Hestand	do	do
11	Peter Bricker	do	do
12	John Stromb	do	do
13	Gideon Marne	do	do
14	Wm. Kelly	do	do
15	Samuel Crosby	do	do
16	James H. Maddan	do	do
17	Abraham Hagey	do	do
18	Daniel Sleighter	do	do
19	Moses Bricker	do	do
20	Benjamin Colborne	do	do
21	Enos Johnson	do	do
22	Robert Hilliard	do	do
23	Jacob G. Stauffer	do	do
24	Adolphe Fisher	do	do
25	Joseph Halman	do	do
26	John Johnson	do	do
27	Thomas Burroughs	do	do
28	John Maynard	do	do
29	George Herner	do	do
30	Samuel Nevers	do	do
31	Thomas Workman	do	do
32	William Hawson	do	do
33	John Roach	do	do
34	John Dixon	do	do
35	Wm. Richardson	do	do
36	Wm. Dixon	do	do
37	Wm. Whitehead	do	do
38	Robert Richardson	do	do
39	James Tenant	do	do
40	Wm. Daniels	do	do
41	Wm. Rathburn	do	do
42	Michael Showers	do	do
43	Charles Mitchell	do	do
44	Angus M'Donald Clarke	do	do
45	Thomas Horner	do	do
46	Stephen Chase	do	do
47	Daniel Footney	do	do
48	George Slipper	do	do
49	Charles Moore	do	do
50	Cameron Anderson	do	do
51	John Pine	do	do
52	Isaac Tunis	do	do

53	<i>Samuel Freed</i>	<i>Township of Blenheim.</i>	
54	<i>Henry Betchell</i>	<i>do</i>	<i>do</i>
55	<i>Peter Hover</i>	<i>do</i>	<i>do</i>
56	<i>John M'Guffin</i>	<i>do</i>	<i>do</i>
57	<i>Calvin Pine</i>	<i>do</i>	<i>do</i>
58	<i>Ephraim Bowers</i>	<i>do</i>	<i>do</i>
59	<i>James Crumpback</i>	<i>do</i>	<i>do</i>
60	<i>John Eaton</i>	<i>do</i>	<i>do</i>
61	<i>John Sidler</i>	<i>do</i>	<i>do</i>
62	<i>Thomas Millard</i>	<i>do</i>	<i>do</i>
63	<i>James Wilson</i>	<i>do</i>	<i>do</i>
64	<i>James Allison</i>	<i>do</i>	<i>do</i>
65	<i>John C. Harp</i>	<i>do</i>	<i>do</i>
66	<i>Wm. Spear</i>	<i>do</i>	<i>do</i>
67	<i>Norman M'Leod</i>	<i>do</i>	<i>do</i>
68	<i>Douglass Lillies</i>	<i>do</i>	<i>do</i>
69	<i>George Andison</i>	<i>do</i>	<i>do</i>
70	<i>Jeremiah Harp</i>	<i>do</i>	<i>do</i>
71	<i>James Thomas</i>	<i>do</i>	<i>do</i>
72	<i>John G. Lindsay</i>	<i>do</i>	<i>do</i>
73	<i>John Eddy</i>	<i>do</i>	<i>do</i>
74	<i>David Lefler</i>	<i>Township of Oakland.</i>	
75	<i>John Malcolm</i>	<i>do</i>	<i>do</i>
76	<i>Finlay Malcolm</i>	<i>do</i>	<i>do</i>
77	<i>Lewis Smith</i>	<i>do</i>	<i>do</i>
78	<i>Lyman Chapin</i>	<i>do</i>	<i>do</i>
79	<i>Wm. Smith</i>	<i>do</i>	<i>do</i>
80	<i>Amasa Bube</i>	<i>do</i>	<i>do</i>
81	<i>Sandford B. King</i>	<i>do</i>	<i>do</i>
82	<i>Shubard D. Malcolm</i>	<i>do</i>	<i>do</i>
83	<i>James Malcolm</i>	<i>do</i>	<i>do</i>
84	<i>Eliakim Malcolm</i>	<i>do</i>	<i>do</i>
85	<i>Isaac Malcolm</i>	<i>do</i>	<i>do</i>
86	<i>Samuel Fairchild</i>	<i>do</i>	<i>do</i>
87	<i>Duncan Malcolm</i>	<i>do</i>	<i>do</i>
88	<i>Chas. Eddy</i>	<i>do</i>	<i>do</i>
89	<i>Jos. Chatterson</i>	<i>do</i>	<i>do</i>
90	<i>Malcolm Brown</i>	<i>do</i>	<i>do</i>
91	<i>Chas. Chapin</i>	<i>do</i>	<i>do</i>
92	<i>Isaac Fairchild</i>	<i>do</i>	<i>do</i>
93	<i>Hugh Downey</i>	<i>do</i>	<i>do</i>
94	<i>Thos. Cook</i>	<i>do</i>	<i>do</i>
95	<i>Mathias Woodley</i>	<i>do</i>	<i>do</i>
96	<i>Absalom Baker</i>	<i>do</i>	<i>do</i>
97	<i>Solomon Mathews</i>	<i>do</i>	<i>do</i>
98	<i>Abraham Westbrook</i>	<i>do</i>	<i>do</i>
99	<i>George Cunningham</i>	<i>do</i>	<i>do</i>
100	<i>Moses Baldwin</i>	<i>do</i>	<i>do</i>

101	Shuman Bingham	Township	of	Oakland.
102	Wm. Massacar	do		do
103	Jeremiah Dunham	do		do
104	Asa Second	do		do
105	John Harrington	Township	of	Zorra
106	Israel Smith Wood	do		do
107	Jeremiah Letts	do		do
108	George Blake	do		do
109	Wm. Anderson	do		do
110	Stephen Pelton	do		do
111	Richard Timms	do		do
112	Wm. Powell	do		do
113	John Strong	do		do
114	Henry Dibble	do		do
115	Nelson Brown	do		do
116	Wm. Brown	do		do
117	Daniel Youngs	do		do
118	John Conke	do		do
119	John B. Wilkenson	do		do
120	William Walsh	do		do
121	Abraham Hallock	do		do
122	Thomas Wait	do		do
123	Seneca Lewis	do		do
124	Chas. Allen	do		do
125	Eli Pavy	do		do
126	Wm. Pavy	do		do
127	Horatio Lewis	do		do
128	John M'Pherson	do		do
129	Andrew M'Pherson	do		do
130	George M'Pherson	do		do
131	John M'Donald	do		do
132	Hiram L. Burk	do		do
133	Anson V. Barr	do		do
134	John Ross	do		do
135	Robert M'Donald	do		do
136	Thomas Cooke	do		do
137	Israel Reed	do		do
138	Jos. J. Upper	do		do
139	Samuel Reed	do		do
140	Benson Pelten	do		do
141	John Ross	do		do
142	Alexander M'Pherson	do		do
143	William M'Pherson	do		do
144	Elijah Wait	do		do
145	Thiron Hullock	do		do
146	William Bedford	do		do
147	Willard Grout	do		do
148	Joshua Youngs	do		do
149	Harman Pipin	do		do

150	Francis Malcolm	Township	of	Zorra
151	Thomas M'Lean	do		do
152	Alexander Clarke	do		do
153	Philip Aldrich	do		do
154	Abraham Vernatten	do		do
155	James Adam	do		do
156	Robert Mathews	do		do
157	Alamson Avery	do		do
158	John M'Donald	do		do
159	Daniel Turner	do		do
160	Robert Adam	do		do
161	Angus Monroe	do		do
162	Shepston Burdich	do		do
163	Edward Fletcher	do		do
164	Donald Clarke	do		do
165	William Sovereign	do		do
166	David Ramsay	do		do
167	David Dingmar	do		do
168	Weston Allen	do		do
169	Chs. D. Swan	do		do
170	George Duncan	do		do
171	Levi Lewis, Sen'r.	do		do
172	Henry Shaver	do		do
173	David Cost	do		do
174	Abraham Dolson	do		do
175	Allan H. Welsh	do		do
176	John Smith	do		do
177	George Marn	do		do
178	Luther DeForest	do		do

(107)

179	William M'Donald	do		do
180	Wm. Maynard	do		do
181	Kenneth Murray	do		do
182	William Acre	do		do
183	John Maxwell	do		do
184	William Carter	do		do
185	John Smith	do		do
186	Henry Bossance	do		do
187	Isaac Burdich	do		do
188	Stratton Powell	do		do
189	Joseph Meadows	do		do
190	Silas Waterbury	do		do
191	Alexander Wilson	do		do
192	Wm. Walker	do		do
193	James Wilkes	do		do
194	John Wilson	do		do
195	Willard Burdich	do		do

196	George W. Reed	Township	of	Zorra
197	John M. Ross	do		do
198	George Ross	do		do
199	Henry Gaines	do		do
200	David L. Demorest	do		do
201	Ambrose Vanatten	do		do
202	George Matheson	do		do
203	Albert Burdich	do		do
204	Nicholas Vanslyke	do		do
205	Asa Hallock	do		do
206	Gabriel Youngs	do		do
207	Alexander Gunn	do		do
208	Zimmi Oliver	do		do
209	Donald M'Donald	do		do
210	Vandem B. Toft	do		do
211	Eli Cross	do		do
212	Samuel Kain	do		do
213	Jared Vining	Township	of	Nissouri.
214	Chanay Pundy	do		do
215	James Rodwell	do		do
216	Nathan P. Allen	do		do
217	Rice Mather	do		do
218	Thomas M'Kay	do		do
219	John N. Thorton	do		do
220	Stephen Triple	do		do
221	David Service	do		do
222	John M'Diarmid	do		do
223	John Newton	do		do
224	James Shannon	do		do
225	Heriam Gennan	do		do
226	Charles Hardie	do		do
227	Thomas Bailey	do		do
228	Edward Kearn	do		do
229	Thomas Wren	do		do
230	George Belton	do		do
231	Thomas Batchgood	do		do
232	Stodart Comstock	do		do
233	Denis Horseman	do		do
234	Elijah Ferris	do		do
235	Peter Smith	do		do
236	Willard Squires	do		do
237	William Purdy	do		do
238	James Brown	do		do
239	George Gainer	do		do
240	Turner Farley	do		do
241	Wm. M'Diarmid	do		do
242	John F. Dumont	do		do
243	Henry Oliver	do		do
244	Eleazar M'Carthy	do		do

245	<i>John Fletcher</i>	<i>Township of Nissouri.</i>	
246	<i>Preserved Fish</i>	<i>do</i>	<i>do</i>
247	<i>Arthur Willson</i>	<i>do</i>	<i>do</i>
248	<i>John Bailey</i>	<i>do</i>	<i>do</i>
249	<i>Jared M. Vinning</i>	<i>do</i>	<i>do</i>
250	<i>Francis Bowers</i>	<i>do</i>	<i>do</i>
251	<i>Clanson Burgess</i>	<i>do</i>	<i>do</i>
252	<i>Anthony Tamor</i>	<i>do</i>	<i>do</i>
253	<i>John Crowe</i>	<i>do</i>	<i>do</i>
254	<i>Isaac Ensign</i>	<i>do</i>	<i>do</i>
255	<i>George Burgess</i>	<i>do</i>	<i>do</i>
256	<i>Elmer Day</i>	<i>do</i>	<i>do</i>
257	<i>Nelson Day</i>	<i>do</i>	<i>do</i>
258	<i>Wm. Bailey</i>	<i>do</i>	<i>do</i>
259	<i>Archibald Curtiss</i>	<i>do</i>	<i>do</i>
260	<i>Francis Garner</i>	<i>do</i>	<i>do</i>
261	<i>James Burdich</i>	<i>do</i>	<i>do</i>
262	<i>John London</i>	<i>do</i>	<i>do</i>
263	<i>Stephen Ball</i>	<i>do</i>	<i>do</i>
264	<i>Robert Patchgood</i>	<i>do</i>	<i>do</i>
265	<i>Henry Scott</i>	<i>do</i>	<i>do</i>
266	<i>James Burns</i>	<i>do</i>	<i>do</i>
267	<i>Wm. Sweeny</i>	<i>do</i>	<i>do</i>
268	<i>Harvey Campbell</i>	<i>do</i>	<i>do</i>
269	<i>Abraham Moneymaker</i>	<i>do</i>	<i>do</i>
270	<i>Wm. Elliott</i>	<i>do</i>	<i>do</i>
271	<i>Adam Hanes</i>	<i>do</i>	<i>do</i>
272	<i>Thomas Scatterd</i>	<i>do</i>	<i>do</i>
273	<i>Terrence Cromay</i>	<i>do</i>	<i>do</i>
274	<i>Hugh Davies</i>	<i>do</i>	<i>do</i>
275	<i>Lyman Howard</i>	<i>do</i>	<i>do</i>
276	<i>Patrick M' Curren</i>	<i>do</i>	<i>do</i>
277	<i>James Farley</i>	<i>do</i>	<i>do</i>
278	<i>Hugh M' Diarmid</i>	<i>do</i>	<i>do</i>
279	<i>John Scatterd</i>	<i>do</i>	<i>do</i>
280	<i>John G. Losee</i>	<i>Township of Norwich.</i>	
281	<i>Israel Wood</i>	<i>do</i>	<i>do</i>
282	<i>Jos. Woodrow</i>	<i>do</i>	<i>do</i>
283	<i>Owen Stringam</i>	<i>do</i>	<i>do</i>
284	<i>Elias Bowerman</i>	<i>do</i>	<i>do</i>
285	<i>Jas. Norris</i>	<i>do</i>	<i>do</i>
286	<i>Isaac B. Bowerman</i>	<i>do</i>	<i>do</i>
287	<i>Lindley Moore Webster</i>	<i>do</i>	<i>do</i>
288	<i>Jas. Beach</i>	<i>do</i>	<i>do</i>
289	<i>Henry W. Bradley</i>	<i>do</i>	<i>do</i>
290	<i>Aaron L. Corbin</i>	<i>do</i>	<i>do</i>
291	<i>Thomas Gray</i>	<i>do</i>	<i>do</i>
292	<i>Adam S. M' Lees</i>	<i>do</i>	<i>do</i>
293	<i>G. W. Carder</i>	<i>do</i>	<i>do</i>

	Township	of	Norwich.
294 Mich. Stover	do		do
295 Jas. C. Hughes	do		do
296 Jeremiah G. Losee	do		do
297 Preserved Thomson	do		do
298 Daniel Hadcock	do		do
299 Wm. Young	do		do
300 Nicholas Halligan	do		do
301 John C. Ernigh	do		do
302 Jas. Wickham	do		do
303 David D. Bates	do		do
304 Peter Burgar	do		do
305 John Helliker	do		do
306 John Siple	do		do
307 John Chace	do		do
308 Peter Gardiner	do		do
309 David DeLong	do		do
310 Shubard Nicholl	do		do
311 John Hunt	do		do
312 Jas. F. Chapman	do		do
313 Wm. Spencer	do		do
314 Jonathan Ernigh	do		do
315 Alex. W. Ross	do		do
316 Elias Snyder	do		do
317 Henry Dennis	do		do
318 Joseph K. Dixon	do		do
319 James Dennis	do		do
320 Wm. B. DeLong	do		do
321 Wm. Crawford	do		do
322 David Nichol	do		do
323 Hiram Capron	do		do
324 Ls. Molt	do		do
325 John Somers	do		do
326 Enoch Molt	do		do
327 Elijah Gleeson	do		do
328 Benjamin Cole	do		do
329 Jas. M'Lees	do		do
330 Henry Siple	do		do
331 D. D. Wilson	do		do
332 John Stringham	do		do
333 Henry Sherwood	do		do
334 Richard Gillard	do		do
335 David Hill	do		do
336 S. Nicholl	do		do
337 David Haganan	do		do
338 Wm. Ernigh	do		do
339 Wm. Cline	do		do
340 Henry H. Southwick	do		do
341 Andrew Wilson	do		do

		Township	of	Norwich.
342	Robert Vanduzen	do		do
343	Colin Campbell Ferrie	do		do
344	Henry T. Hulliker	do		do
345	Isaac Smith	do		do
346	Peter Sackrider	do		do
347	John Corner	do		do
348	Jacob Kelly	do		do
349	John Griffin	do		do
350	Andrew Cohoe	do		do
351	Oliver H. Hunter	do		do
352	Moses Stringham	do		do
353	Gurry V. DeLong	do		do
354	Albert Lossing	do		do
355	Abraham Campbell	do		do
356	Philip J. Snyder	do		do
357	Ewd. W. Burgess	do		do
358	Platt Dennis	do		do
359	Geo. C. Tremaine	do		do
360	Jos. H. Throckmorton	do		do
361	Cornelius Hughes	do		do
362	Jos. Thompson	do		do
363	Mich. Arthur McElhone	do		do
364	John Gillan	do		do
365	Henry Ermigh	do		do
366	John Hughes	do		do
367	John Wesley Peaslie	do		do
368	Edmund M'Lees	do		do
369	Edmund Lossing	do		do
370	Baldwin Merrill	do		do
371	Thos. Vornwell	do		do
372	Henry Austin	do		do
373	John Healy	do		do
374	Nicholas Munc	do		do
375	Martin Cornwall	do		do
376	Richard Lossing	do		do
377	Dyer Wilcox	do		do
(108)				
378	Benjamin Holmes	do		do
379	Hiram Van Volkinburgh	do		do
380	William Stover	do		do
381	N. Root	do		do
382	John Thompson	do		do
383	Horace Lossing	do		do
384	Stephen Sherwood	do		do
385	John Batcheldor	do		do
386	John P. Page	do		do
387	David Sherman	do		do

388	Jervis Dennis	Township	of	Norwich.
389	John Steele	do		do
390	Reuben Molt	do		do
391	Crowell Webster	do		do
392	Hartwell Shattuck	do		do
393	Edmund Beass	do		do
394	Ransom Woodward	do		do
395	David Barton	do		do
396	Martin Quatermass	do		do
397	Benjamin Healy	do		do
398	Wm. Merrill	do		do
399	Archibald Fleming	do		do
400	Egbert M'Lees	do		do
401	Daniel W. Daney	do		do
402	Jacob Hayte	do		do
403	John C. Hamilton	do		do
404	Robert Wilcox	do		do
405	Peter Dessew	do		do
406	Wm. Carroll	do		do
407	John M'Kee	do		do
408	Benson Lossing	do		do
409	Ira Allen	do		do
410	Henry H. Root	do		do
411	James Cromwell	do		do
412	John Stover	do		do
413	Moses Molt	do		do
414	Henry Cornwell	do		do
415	Mich. Kiff	do		do
416	Ebenezer Haley	do		do
417	Wm. S. Moore	do		do
418	Samuel Healy	do		do
419	Alden Sherman	do		do
420	Wm. L. Taylor	do		do
421	John Sheagham	do		do
422	Peter M'Nelly	do		do
423	Archibald Birtch	Township	of	Oxford (East.)
424	Hervey Dorman	do		do
425	Clifelet Wood	do		do
426	Henry Birtch	do		do
427	Horance Spragg	do		do
428	Thomas Shenston	do		do
429	John Leak	do		do
430	John Cask	do		do
431	George Henry	do		do
432	Wm. Black	do		do
433	James Wood	do		do
434	George Losey	do		do
435	Abraham Canfield	do		do

436	Daniel Birtch	Township	of	Oxford (East.)
437	Reuben J. Thorton	do		do
438	Samuel Maybee	do		do
439	Henry Lampport	do		do
440	Philip Lampman	do		do
441	David Watt	do		do
442	Jonathan Pride	do		do
443	Charles Num	do		do
444	Robert Currie	do		do
445	Joel Canfield	do		do
446	James Johnston	do		do
447	Samuel Demont	do		do
448	Tobiah Walsh	do		do
449	George Hartsell	do		do
450	John Douglass	do		do
451	Andrew Davidson	do		do
452	Hiram F. Spragge	do		do
453	John Tunis	do		do
454	John Veoman	do		do
455	James Mavor	do		do
456	William Burgess	do		do
457	John Bennett	do		do
458	Jonathan Tripp	do		do
459	William Pears	do		do
460	Seymour Sage	do		do
461	John Sweeny	do		do
462	Thomas Guynor	do		do
463	Albert Spencer	do		do
464	William Lemman	do		do
465	Charles Bush	do		do
466	Hezekiah Tuttle	do		do
467	Benjamin Lampport	do		do
468	Josiah Luddington	do		do
469	Robert Monoe	do		do
470	George Hay	do		do
471	Thomas Ball	do		do
472	John Kipp	do		do
473	Reuben Daton	do		do
474	Abraham Sackrider	do		do
475	Hugh Lindsay Munro	do		do
476	Stephen V. R. Douglass	do		do
477	Donald M'Pherson	do		do
478	Alexander M'Leod	do		do
479	John B. Tree	do		do
480	Thomas Fowler	Township	of	Burford.
481	Christopher Beamer	do		do
482	Daniel Tolten	do		do

	Township	of	Burford.
483 James Lafferty	do		do
484 Alonzo Foster	do		do
485 Henry C. Horner	do		do
486 Abraham Kelly	do		do
487 George Beamer	do		do
488 Alexander M'Kee	do		do
489 James Van Camp	do		do
490 Robert Lymburner	do		do
491 Augustus Malcolm	do		do
492 Peter Malcolm	do		do
493 Hervy Ross	do		do
494 Jacob Winegarden	do		do
495 Robert Scott	do		do
496 George W. Hart	do		do
497 Gideon Ryder	do		do
498 Lathrope Green	do		do
499 Benjamin Kipp	do		do
500 Robert Muir	do		do
501 Havilah Frindenburg	do		do
502 Lucius Brag	do		do
503 Joseph Rounds	do		do
504 Caleb P. Fowler	do		do
505 Thomas M'Kenzie	do		do
506 Cycus Hunt	do		do
507 Nelson Ruthbone	do		do
508 Thomas Wheeland	do		do
509 Constant Eddy	do		do
510 Abraham K. Smith	do		do
511 James F. M'Nally	do		do
512 Thomas Muir	do		do
513 Richard Silverthorn	do		do
514 Edward Buzzo	do		do
515 John Hainer	do		do
516 William Birtch	do		do
517 Thomas Philips	do		do
518 David Doyle	do		do
519 John Kelly	do		do
520 Stephen London	do		do
521 Joseph Smith	do		do
522 Ransford Rounds	do		do
523 William M'Williams	do		do
524 Enoch Lawrence	do		do
525 Uyal O. Kelly	do		do
526 John Glover	do		do
527 Levi Berry	do		do
528 John M. Charles	do		do
529 Houlard Soules	do		do
530 John Bedford	do		do

		Township	of	Burford.
531	John Bowman			
532	Peter Niff	do		do
533	Russell Smith	do		do
534	Aaron M'Williams	do		do
535	Rowland Ryder	do		do
536	Jacob Yeigh	do		do
537	William Lymburner	do		do
538	John London	do		do
539	Jelse Schooley	do		do
540	Philip Kelly	do		do
541	Charles Hedges	do		do
542	Samuel Ferguson	do		do
543	Ira Wooden	do		do
544	Isaac Winegardner	do		do
545	John Trainer	do		do
546	John Bowman	do		do
547	Josiah T. Allen	do		do
548	Philip Degence	do		do
549	Andrew Roswell	do		do
550	Joseph Pickle	do		do
551	William Fowler	do		do
552	William Nelmers	do		do
553	Richard Kipp	do		do
554	William M'Lean	do		do
555	Jacob Hess	do		do
556	Samuel Mills	do		do
557	James Bailey	do		do
558	James Oswald	do		do
559	William Lewis	do		do
560	Dennis Fowler	do		do
561	Elias Fowler	do		do
562	Melyan Fowler	do		do
563	George Higson	do		do
564	John Lossing	do		do
565	Hugh Clark	do		do
566	Nathan B. Fowler	do		do
567	Major Crowkright	do		do
568	Jacob Beamer	do		do
569	Wm. Bowman	do		do
570	Geo. Bowman	do		do
571	Enoch Ryder	do		do
572	Wm. Thomson	do		do
573	Henry Force	do		do
574	Edmund Thomson	do		do
575	Wm. Olmstead	do		do
576	John Lawrence	do		do
577	Hiram Keeny	do		do

(109)

578	Wm. Rounds	Township	of	Burford.
579	Robert M'Levy	do		do
580	Wm. Rider	do		do
581	Oliver Adams	do		do
582	William Wilson	Township	of	Blanford.
583	James Laycock	do		do
584	Jas. Simpson	do		do
585	John Buchanan	Woodstock		Town.
586	Elijah Hill	do		do
587	Alex. M'Kay	do		do
588	Hamilton Birtch	Township	of	Blanford.
589	Nathaniel Hill	do		Woodstock.
590	Hugh Matheson	do		do
591	Thos. Dumon	do		do
592	Benjamin Sutherland	do		do
593	Jas. Dunn	do		do
594	Thos. Putman	do		do
595	Lachlan Gunn	do		do
596	George Munro	do		do
597	Jas. M'Kay	do		do
598	Thos. Clark	Township	of	Blanford.
599	Thos. Hervey	do		do
600	John Bain	do		do
601	William Hook	Township	of	Woodstock.
602	Egra Luddington	Township	of	Blanford.
603	Jas. Patterson	do		do
604	Richard Overhalt	do		do
605	Angus Campbell	Township	of	Woodstock.
606	Donald Murray	do		do
607	William S. Dale	Township	of	Blanford.
608	Benjamin Vanvroman	Township	of	Dereham.
609	Adam Trip	do		do
610	Alvin Hill	do		do
611	Benjamin Hill	do		do
612	Jas. D. Harris	do		do
613	John Graham	do		do
614	Stephen Whitby	do		do
615	Hason Sinkclear	do		do
616	Francis Laton	do		do
617	Peter Hagle	do		do
618	Hiram Roney	do		do
619	George Quaterness	do		do
620	Isaac Hadcock	do		do
621	Geo. Smith	do		do
622	Hiram Prowse	do		do
623	Eliphalet Bodwell	do		do
624	George Tilson	do		do

625	Ira Harris	Township	of	Dereham.
626	Ransom Lewis	do		do
627	Stephen Harris	do		do
628	William Dean	do		do
629	Stephen York	do		do
630	Daniel Smith	do		do
631	Richard Collons	do		do
632	Brinton P. Brown, sen.	do		do
633	Timothy G. Bringham	do		do
634	Abraham Hadcock	do		do
635	Daniel Monk	do		do
636	Warren Harris	do		do
637	Charles Teldon	do		do
638	Thos. Russell	do		do
639	Geo. Levitt	do		do
640	Geo. B. Tilson	do		do
641	Samuel Doxey	do		do
642	Jeremiah White	do		do
643	John Grey	do		do
644	Geo. Mayhood	do		do
645	John M'Nearms	Township of Oxford.		
646	Enoch Burdich	Township of Oxford (North).		
647	Christopher Carmes	do		do
648	Jorden Charles	Township of Oxford (West).		
649	Wm. Hook	do		do
650	Jacob Wood	do		do
651	Jos. Ryan	do		do
652	Jos. Dygert	do		do
653	Isaac Dygert	do		do
654	Jacob Fopping	do		do
655	John O'Neil	do		do
656	Andrew Bodwell	do		do
657	Thos. Carr	do		do
658	Jos. Laurence	do		do
659	Walter B. Maybee	do		do
660	David Curtiss	do		do
661	Chas. Brink	do		do
662	Henry Shell, sen.	do		do
663	Peter Teeple, Esq.	do		do
664	P. Temple	do		do
665	Sylvester Sage	do		do
666	Willard Sage	do		do
667	John Young, sen.	do		do
668	Herman Jones	do		do
669	Levi Birtch	do		do
670	Daniel Leek	do		do
671	Warren Coaty	do		do
672	John Cummings	do		do
673	Thos. T. Philips	do		do

674	Bluker Thornton	Township of Oxford (West).	
675	Herkinnes Dygert	do	do
676	Benajah Lawrence	do	do
677	Comfort Sage	do	do
678	Monson Cook	do	do
679	Nicholas Taylor	do	do
680	Daniel Taylor	do	do
681	Calvin Haskin	do	do
682	Sylvester Hill	do	do
683	William Hill	do	do
684	Frederick Teeple	do	do
685	Allen Sage	do	do
686	Earl Canfield	do	do
687	Benjamin Thornton	do	do
688	Chas. Chadwick	do	do
689	David Brink	do	do
690	Stilson Hackett	do	do
691	Hiram Bodwell	do	do
692	Hull Curtis	do	do
693	Ralph Land	do	do
694	John Clarkson	do	do
695	Elisha Hall	do	do
696	William Miles	do	do
697	Wm. M'Leod	do	do
698	Enoch Sage	do	do
699	James Murdoch	do	do
700	Abraham Snellgrove	do	do
701	Willard Eastwood	do	do
702	Thos. Hall	do	do
703	James Flood	do	do
704	Walker Harris	do	do
705	Elisha Harris	do	do
706	David Philips	do	do
707	William Cook	do	do
708	M. L. Green	do	do
709	Sylvenas W. Dygert	do	do
710	William Tripps	do	do
711	Christopher Rupert	Township of Blenheim.	
712	John Rickert	do	do
713	John Jackson	do	do
714	James Innis	do	do
715	Denton Burns	do	do
716	John Gould	do	do
717	Henry Rupert	do	do
718	David Burns	do	do
719	Daniel Martin	do	do
720	Wm. Watkins	do	do
721	Absalom Shade	do	do

	Township	of	Blenheim.
722	Wm. Dixon, jun.		
723	Wm. Doyle	do	do
724	Robert J. Bouchier	do	do
725	Christopher Harrison	do	do
726	Moses Johnson	do	do
727	Arnold Burroughs, jun.	do	do
728	Richard W. Burroughs	do	do
729	Arnold Burroughs, sen.	do	do
730	Noah Bullock	do	do
731	Gilbert Burroughs	do	do
732	George Clark	do	do
733	Andrew Burgess	do	do
734	Wm. Shannon	do	do
735	George Lothian	do	do
736	John Hersey	do	do
737	John D. Hughson	do	do
738	John Garnett	do	do
739	Elim Martin	do	do
740	John Nelack	do	do
741	Joshua Burnett	do	do
742	Wm. Cochrane	do	do
743	John Gould, jun.	do	do
744	Wm. Burgess	do	do
745	George Brett	do	do
746	Moses Junis	do	do
747	James F. Siprell	do	do
748	James Fenaman	do	do
749	Wm. Muins	do	do
750	Patrick Cully	do	do
751	James K. Buchannan	do	do
752	Thos. Grinton	do	do
753	Walter H. Martin	do	do
754	George Frenaman	do	do
755	Jos. Evans	do	do
756	Jos. Maccock	do	do
757	Jeremiah Mills	do	do
758	John Whitfield	do	do
759	Wm. Hersey	do	do
760	Wm. A. Gessing	do	do
761	James Rouse	do	do
762	Edward Bouchier	do	do
763	Mathew French	do	do
764	George Simpson	do	do
765	George Tate	do	do
766	Mathew Ainsley	do	do
767	John Lester	do	do
768	Obed. Wilson	do	do
769	John Scott	do	do

770	Nicholas Pickle	Township	of	Blenheim.
771	Samuel Boulton	do		do
772	John Thompson	do		do
773	Thomas Gadd	do		do
774	True Worthy Smith	do		do
775	Joshua M'Canley	do		do
776	Wm. Fritch	do		do
777	James Inwood	do		do

(110)

778	Benjamin Swears	do		do
779	Archibald Stuart	do		do
780	James Smith	do		do
781	Donald M'Kay	Township	of	Zorra.
782	Peter Beale	do		do
783	Jas. Matheson	do		do
784	Silas Williams	do		do
785	Samuel J. Strafford	do		do
786	John Evans	do		do
787	Jas. Austin	do		do
788	Robert Campbell	do		do
789	Alex. Rose	do		do
790	William R. M'Auley	do		do
791	Geo. Verandoo	do		do
792	Jas. M'Kay	do		do
793	Donald Campbell	do		do
794	Alex. Murray	do		do
795	Donald Monroe	do		do
796	Peter Carrall	do		do
797	Chs. M'Kay	do		do
798	David Grant	do		do
799	Alex. Wood	do		do
800	Wm. Land	do		do
801	Hugh M'Kay	do		do
802	Wm. Gordon	do		do
803	Jas. Young	do		do
804	Alex M'Kay	do		do
805	Robert Macdonald	do		do
806	Alex. M'Donald	do		do
807	John Murray	do		do
808	John Sutherland	do		do
809	John M'Donald	do		do
810	Alex. Sutherland	do		do
811	Wm. M'Kay	do		do
812	Geo. Harris	do		do
813	John Elliot	do		do
814	John Cavrall	do		do
815	Wm. Campbell	do		do

	Township	of	Zorra.
816	Alex. M'Kay	do	do
817	Thomas Smith	do	do
818	Wm. M'Kay	do	do
819	Alex. Bruce	do	do
820	Jos. Middlewood	do	do
821	John Matheson	do	do
822	James Monroe	do	do
823	Chs. Beale	do	do
824	Wm. Oliver	do	do
825	Geo. Hart	do	do
826	Jos. Brown	do	do
827	Angus M'Kay	do	do
828	Alexander M'Kay	do	do
829	Walter M'Kay	do	do
830	George Bailey	do	do
831	Jas. M'Kenzie	do	do
832	Wm. Sutherland	do	do
833	Donald Sutherland	do	do
834	Wm. Campbell	do	do
835	Peter Sutherland	do	do
836	Emelius Foquien	do	do
837	Jas. Sherrod	do	do
838	Chs. Flowers	do	do
839	William Smith	do	do
840	John Finkle	do	do
841	Wm. Lawson	do	do
842	Robert Sutherland	do	do
843	Robert M'Intyre	do	do
844	John Scott	do	do
845	Hugh Ross	do	do
846	James M'Donald	do	do
847	John M'Kay	do	do
848	Geo. M'Intosh	do	do
849	Jas. Murray	do	do
850	Lanclan Sutherland	do	do
851	Thomas Brown	do	do
852	Angus M'Kay	do	do
853	John Donaldson	do	do
854	Jos. Dell	do	do
855	Alex M'Kay	do	do
856	Robert Sutherland	do	do
857	Robert M'Intosh	do	do
858	Jos. Bruce	do	do
859	John Ball	do	do
860	Hugh Murray	do	do
861	Robert Murray	do	do
862	Andrew Sutherland	do	do
863	John Cummings, senr.	do	do

		Township	of	Zorra.
864	John Cummings, junr.			
865	Thos. Cummings	do		do
866	Irving Sloan	do		do
867	Donald M'Intosh	do		do
868	James Morrison	do		do
869	William Murray	do		do
870	David Ross	do		do
871	Robert M'Donald	do		do
872	Wm. Murray	do		do
873	Donald M'Corquedale	do		do
874	Allan Nixon	do		do
875	William Chisholm	do		do
876	Donald Murray	do		do
877	Henry Huntingford	do		do
878	Donald M'Kay	do		do
879	Bernard Sessions	do		do
880	John M'Kay	do		do
881	Jos. Laycock	do		do
882	Wm. Murray	do		do
883	Jas. Sutherland	do		do
884	Geo. Campbell	do		do
885	Robert Ford	do		do
886	Barclay Monroe	do		do
887	Peter M'Kay	do		do
888	Wm. Thompson	do		do
889	Alex. Monroe	do		do
890	Wm. Murray	do		do
891	Kenneth Cameron	do		do
892	Donald Sutherland	do		do
893	Alex. M'Donald	do		do
894	Jas. Baker	do		do
895	George Monroe	do		do
896	Chs. Monroe	do		do
897	John M'Donald	do		do
898	Donald M'Kay	do		do
899	Alex. Sutherland	do		do
900	Jacob Barney	do		do
901	John Jacket	do		do
902	Joseph Crawford	do		do
903	Philip Baker	do		do
904	Wm. Murray	do		do
905	Wm. M'Kay	do		do
906	Alex. Hossick	do		do
907	John Rice	do		do
908	Wm. Light	do		do
909	Andrew Carroll	do		do
910	Thomas Buckle	do		do
911	Walter Tate	do		do

		Township	of	Zorra.
912	John Anderson	do		do
913	Thomas Palisser	do		do
914	John Ross	do		do
915	Martin King	do		do
916	Cornelius Ernest	do		do
917	Donald M'Kay	do		do
918	Robert Stewart Campbell	do		do
919	Geo. Hays	do		do
920	Geo. Murray	do		do
921	William Galloway	do		do
922	Isaac Cooke	do		do
923	Thomas Fox	do		do
924	John Wilkinson	do		do
925	George Sweet	do		do
926	John Campbell	do		do
927	Alexander M'Kenzie	do		do
928	Emanuel Horton	do		do
929	Alex. Murray	do		do
930	John M'Kay	do		do
931	William Barwick	do		do
932	Wm. M'Kenzie	do		do
933	John Bartley	do		do
934	Robert Clements	do		do
935	John Ross	do		do
936	Alex. Copp	do		do
937	Adam Marshal	do		do
938	George Matheson	do		do
939	Samuel T. Clements	do		do
940	Geo. W. Barwick	do		do
941	John M'Lean	do		do
942	Murdoch Campbell	do		do
943	Frederick Fonquin	do		do
944	John Forbes	do		do
945	George Walker	do		do
946	Archibald M'Call	do		do
947	John M'Arthur	do		do
948	Jos. Turner	do		do
949	Rob't. Mitchell	do		do
950	Duncan M'Call	do		do
951	Dougal M'Call	do		do
952	Hugh Sutherland	do		do
953	Wm. Ross	do		do
954	Donald Leslie	do		do
955	William Leslie	do		do
956	James Givins	do		do
957	John B. Askin	do		do
958	Arthur Armstrong	do		do
959	Daniel Roberts	do		do

960	John Bunting	Township	of	Zorra.
961	Angus M'Kay	do		do
962	Wm. Denman	do		do
963	Alex. Gordon	do		do
964	Richard Empit	do		do
965	Donald M'Kenzie	do		do
966	James Murray	do		do
967	Thomas Rowland	do		do
968	Angus M'Kay	do		do
969	John Barclay	do		do
970	Geo. M'Donald	do		do
971	Wm. M'Kenzie	do		do
972	Isaac Osborne	do		do
973	David Bott	do		do
974	Alex. M'Kay	do		do
975	James M'Donald	do		do
976	David M'Donald	do		do
977	Henry Beam	do		do
(111)				
978	David Murray	do		do
979	Thomas Baker	do		do
980	John Murray	do		do
981	John Schram	do		do
982	Andrew Murray	do		do
983	Jas. Fletcher	do		do
984	Leonard Karn	do		do
985	Richard Adams	do		do
986	Robert Ross	do		do
987	John Matheson	do		do
988	William Danby	do		do
989	Robert Riddell	do		do
990	John M'Kay	do		do
991	Daniel Second	Township	of	Oakland.
992	Charles Burtch	do		do
993	Robert Eadie	do		do
994	Charles Sayles	do		do
995	William Abbott	do		do
996	John Second	do		do
997	Daniel Elliot	do		do
998	Jesse Westbrook	do		do
999	Thomas Sayles	do		do
1000	Adam Smith	do		do
1001	Wellington M'Callister	do		do
1002	George Bunchy	do		do
1003	Jonathan Barnes	do		do
1004	William Muirhead	do		do
1005	Francis Strond	Township	of	Dereham.

1006	<i>Job James</i>	<i>Township</i>	<i>of</i>	<i>Dereham.</i>
1007	<i>Orlands Rutherford</i>	<i>do</i>		<i>do</i>
1008	<i>Charles Penil</i>	<i>do</i>		<i>do</i>
1009	<i>George Penil</i>	<i>do</i>		<i>do</i>
1010	<i>Thomas Withers</i>	<i>do</i>		<i>do</i>
1011	<i>Robert Strond</i>	<i>do</i>		<i>do</i>
1012	<i>Cato Bennes</i>	<i>do</i>		<i>do</i>
1013	<i>James Wolf</i>	<i>do</i>		<i>do</i>
1014	<i>John Withers</i>	<i>do</i>		<i>do</i>
1015	<i>John Wilson</i>	<i>do</i>		<i>do</i>
1016	<i>John Goodhand</i>	<i>do</i>		<i>do</i>
1017	<i>Ogden Miller</i>	<i>do</i>		<i>do</i>
1018	<i>Thomas Smart</i>	<i>do</i>		<i>do</i>
1019	<i>Conrad Best</i>	<i>do</i>		<i>do</i>
1020	<i>Robert Maddison</i>	<i>do</i>		<i>do</i>
1021	<i>Joseph Boughner</i>	<i>do</i>		<i>do</i>
1022	<i>Paul Schooner</i>	<i>do</i>		<i>do</i>
1023	<i>Charles Hawkins</i>	<i>do</i>		<i>do</i>
1024	<i>Joseph Forbes</i>	<i>do</i>		<i>do</i>
1025	<i>Jacob Glover</i>	<i>do</i>		<i>do</i>
1026	<i>John Haven</i>	<i>do</i>		<i>do</i>
1027	<i>Noah Tyrell</i>	<i>do</i>		<i>do</i>
1028	<i>John Atkinson</i>	<i>do</i>		<i>do</i>
1029	<i>Henry Weir</i>	<i>Township</i>	<i>of</i>	<i>Burford.</i>
1030	<i>Robert Weir</i>	<i>do</i>		<i>do</i>
1031	<i>Charles Megee</i>	<i>do</i>		<i>do</i>
1032	<i>Francis Johnstone</i>	<i>do</i>		<i>do</i>
1033	<i>Jas. N. Oakley</i>	<i>do</i>		<i>do</i>
1034	<i>Jas. Phoenix</i>	<i>do</i>		<i>do</i>
1035	<i>Jos. Haywood</i>	<i>do</i>		<i>do</i>
1036	<i>Charles S. Purley</i>	<i>do</i>		<i>do</i>
1037	<i>Elijah White</i>	<i>do</i>		<i>do</i>
1038	<i>James Lewis</i>	<i>do</i>		<i>do</i>
1039	<i>W. B. Stewart</i>	<i>do</i>		<i>do</i>
1040	<i>Daniel Eaton</i>	<i>do</i>		<i>do</i>
1041	<i>Wm. D. Bower</i>	<i>do</i>		<i>do</i>
1042	<i>George Griggs</i>	<i>do</i>		<i>do</i>
1043	<i>Jas. Kennedy</i>	<i>do</i>		<i>do</i>
1044	<i>Abisha Rand</i>	<i>do</i>		<i>do</i>
1045	<i>Stephen M. Henitt</i>	<i>do</i>		<i>do</i>
1046	<i>Jos. Dutcher</i>	<i>do</i>		<i>do</i>
1047	<i>Jos. Chambers</i>	<i>do</i>		<i>do</i>
1048	<i>Jos. Jones</i>	<i>do</i>		<i>do</i>
1049	<i>Robert Oliver</i>	<i>do</i>		<i>do</i>
1050	<i>George Lane</i>	<i>do</i>		<i>do</i>
1051	<i>John Singer</i>	<i>do</i>		<i>do</i>
1052	<i>Alex. Dickie</i>	<i>do</i>		<i>do</i>
1053	<i>Peter Martin</i>	<i>do</i>		<i>do</i>
1054	<i>Enos Monetts</i>	<i>do</i>		<i>do</i>

1055	Mathias Simmerman	Township	of	Burford.
1056	Jos. Miles	do		do
1057	John P. Smith	do		do
1058	Peter N. Beaver	do		do
1059	Paul Moore	do		do
1060	John Bowman	do		do
1061	Gregston Lockhart	do		do
1062	Joshua Bennett	do		do
1063	Josiah Smith	do		do
1064	John Mitchell	do		do
1065	James Blair	do		do
1066	Caleb Merritt	do		do
1067	Jacob Smith	do		do
1068	John Clemens	do		do
1069	Jacob Darby	do		do
1070	George F. Smith	do		do
1071	Alexander Campbell	do		do
1072	Robert Watson	do		do
1073	Amos Merrigold	do		do
1074	Robert Burton	do		do
1075	Henry K. Dutcher	do		do
1076	John Walker M'Guyn	do		do
1077	Alexander Moore	do		do
1078	John Moore	do		do
1079	John Armstrong	do		do
1080	David Second	do		do
1081	Jos. Haywood, jun.	do		do
1082	Paul Hoffman	do		do
1083	Baptist Johnstone	do		do
1084	Richard Johnstone	do		do
1085	Ashman Moore	do		do
1086	Thomas Walker	do		do
1087	Joseph Thomas	do		do
1088	Israel Gibbs	do		do
1089	Walter Nichol	do		do
1090	Peter Ecker	do		do
1091	George Joslin	do		do
1092	James Smilie	do		do
1093	Lewis Charles	do		do
1094	Wm. Casner	do		do
1095	John Gage	do		do
1096	Isaac Kipps	do		do
1097	Christopher Beamer	do		do
1098	Abdell Eddy	do		do
1099	Peter M. T. Mitchell	do		do
1100	Thomas Munnick	do		do
1101	Francis Glover	do		do
1102	Jos. Vivian	do		do

1103	Luke V. Spun	Township	of	Burford.
1104	Stephen Leburne	do		do
1105	Thomas W. Coleman	do		do
1106	John Weir	do		do
1107	David Lester	do		do
1108	Wm. Force	do		do
1109	John Jenkinson	do		do
1110	Nelson Dutcher	do		do
1111	James Ekin	do		do
1112	Wm. Martin	do		do
1113	John Talbert	do		do
1114	John Harris	do		do
1115	George Deverell	do		do
1116	Willard M. Whitehead	do		do
1117	Duncan Carman	do		do
1118	Thomas Crowthers	do		do
1119	Daniel Kenny	do		do
1120	Geo. G. Ward	do		do
1121	Wm. Kingsford	do		do
1122	John Haken	do		do
1123	John A. Wilkes	do		do
1124	Richard R. Haywood	do		do
1125	Wm. H. Surpill	do		do
1126	William Smiley	do		do
1127	James Holmes	do		do
1128	Smithson Waller	Township	of	Norwich.
1129	Lancelot Waller	do		do
1130	Thos. Fletcher	do		do
1131	Ed. Fletcher	do		do
1132	Michael Fletcher	do		do
1133	Samuel Waller	do		do
1134	James Tisdale	do		do
1135	Henry Strond	do		do
1136	Jacob Stover	do		do
1137	James Wright	do		do
1138	Robert Scott	do		do
1139	Alfred Ireland	do		do
1140	Samuel Kaler	do		do
1141	Wm. Scott	do		do
1142	James Gowan	do		do
1143	Wm. James	do		do
1144	Henry Kellett	do		do
1145	Edward Anderson	do		do
1146	Chs. Anstice	do		do
1147	John Jacques	do		do
1148	Jos. Lee	do		do
1149	Abraham Swartwout	do		do
1150	Adam Stover	do		do
1151	Stephen Branchflower	do		do

1152	Alfred Brearly	Township	of	Norwich.
1153	John M'David	do		do
1154	James Bailey	do		do
1155	Frederick Stover	do		do
1156	Philip Fall	do		do
1157	Michael Corwell	do		do
1158	Daniel Moore	do		do
1159	James Pritchard	do		do
1160	William Wallace	do		do
1161	Thomas Lyons	do		do
1162	John Weir	do		do
1163	Hervy Stevens	do		do
1164	William Simmons	do		do
1165	Smith M'Donald	do		do
1166	Mathias Snider	do		do
1167	Francis Davis	do		do
1168	Miles Bennington	do		do
1169	Joshua Janes	do		do
1170	John Gilbert	do		do
1171	Henry P. Jones	do		do
1172	Israel Snider	do		do
1173	Gilbert Stover	do		do
1174	Joseph Hagar	do		do
1175	Michael Stover, senior	do		do

(112.)

1176	Ichabod Bowerman	do		do
1177	William Miller	do		do
1178	Mathew Scott	do		do
1179	Robert Cameron	Township	of	Nissouri.
1180	Donald Donell	do		do
1181	George Bailey	do		do
1182	Robert Chesnut	do		do
1183	William Forvell	do		do
1184	Nelson Swezey	do		do
1185	Joseph Greaves	do		do
1186	Robert Todd Dean	do		do
1187	Joseph Wheaten	do		do
1188	Jos. M'Gaffen	do		do
1189	James Ardell	do		do
1190	William Mossop	do		do
1191	Thomas Guest	do		do
1192	John Tracey	do		do
1193	James Scott	do		do
1194	John Fitzsimmons	do		do
1195	George Logan	do		do
1196	John Betton	do		do
1197	Isaac Johnson	do		do

		Township	of	Nissouri.
1198	James Beaty	do		do
1199	William Barding	do		do
1200	Alexander Sutherland	do		do
1201	Ebenezer Sutherland	do		do
1202	William Sutherland	do		do
1203	James Hurford	do		do
1204	John Quake	do		do
1205	Henry Smith	do		do
1206	William O'Brien	do		do
1207	John Judge	do		do
1208	George Scott	do		do
1209	Robert M'Kutcheon	do		do
1210	John Bugess	do		do
1211	John Mournum	do		do
1212	William Mooney	do		do
1213	William Fran	do		do
1214	John Cameron	do		do
1215	John Cowan	do		do
1216	William M'Martin	do		do
1217	John Logan	do		do
1218	William Dicky	do		do
1219	Andrew Gray	do		do
1220	John Ward Vandiberg	do		do
1221	James Shanley	do		do
1222	James Shanley, jun.	do		do
1223	John Gillis	do		do
1224	Edward Logan	do		do
1225	Alexander Fraser	do		do
1226	Alexander Sutherland	do		do
1227	George Martin	do		do
1228	John Densmore	do		do
1229	Donald Ross	do		do
1230	Alexander Ross	do		do
1231	Alexander Macdonald	do		do
1232	Donald M'Caul	do		do
1233	William Shaw	do		do
1234	Walter Ross	do		do
1235	Alexander Murray	do		do
1236	John Mathewson	do		do
1237	Isaac Brock Cameron	do		do
1238	Joseph Johnson	do		do
1239	Robert Berrie	do		do
1240	Thomas Steadman	do		do
1241	John Adams	do		do
1242	John Ross	do		do
1243	Michael Dupee	do		do
1244	Hamlet Sales	do		do
1245	Nathan Elliot	do		do

1246	Alexander Fraser	Township	of	Nissouri.
1247	Robert Logan	do		do
1248	William Parks	do		do
1249	William Withers	do		do
1250	George Edgar	Township	of	Blanford.
1251	Amas Westly Goodwin	do		do
1252	Walter Jones	do		do
1253	Warman Barnard	do		do
1254	John M'Furtson	Township	of	Woodstock.
1255	H. C. Barwick	Township	of	Blanford.
1256	William Clarke	Township	of	Woodstock.
1257	John Turquand	Township	of	Blanford.
1258	John Clark	do		do
1259	Thomas Ditton, senr.	Township	of	Woodstock.
1260	Richard Rawlings	Township	of	Blanford.
1261	Spencer Mackay	Township	of	Woodstock.
1262	Richard Tonguett	do		do
1263	John Barwick	Township	of	Blanford.
1264	James Barwick	do		do
1265	Charles Turner	Township	of	Woodstock.
1266	Thomas Small	do		do
1267	Joseph Taylor	do		do
1268	John Hayward	Township	of	Blanford.
1269	William Hewitt	do		do
1270	John Luston	Township	of	Woodstock.
1271	Bryan Mubry	do		do
1272	Hugh Ross	Township	of	Blanford.
1273	John Cummings	Township	of	Woodstock.
1274	John Jones	do		do
1275	Ham Voice	do		do
1276	Amas Rockett	do		do
1277	Nathaniel Hill	do		do
1278	John Stevens	Township	of	Blanford.
1279	Herbert Hickmot	Township	of	Woodstock.
1280	Joseph Edgar	do		do
1281	Hector Sutherland	do		do
1282	James Clark	Township	of	Blanford.
1283	James Carrall	Township	of	Woodstock.
1284	Thomas John Cottle	Township	of	Blanford.
1285	Alexander M'Intosh	Township	of	Woodstock.
1286	George Robinson	do		do
1287	John Harrison	Township	of	Blanford.
1288	Jacob Overholt	Township	of	Woodstock.
1289	Eran Lewis	do		do
1290	William Collin Clark	Township	of	Blanford.
1291	William Macdonald	do		do
1292	Archibald Elliot	Township	of	Woodstock.
1293	William Wilson	do		do

1294	Abraham Ludworth	Township	of	Woodstock.
1295	William Hill	Township	of	Blandford.
1296	Edward Lakeman	Township	of	Woodstock.
1297	John Sutherland	do		do
1298	Robert Campbell	Township	of	Blanford.
1299	Thomas Love	do		do
1300	William Dickson	Township	of	Woodstock.
1301	Joseph Clark	Township	of	Blanford.
1302	Thomas Ditton, jun.	do		do
1303	Roger Rollo Hunter	do		do
1304	David John Hughes	Township	of	Woodstock.
1305	Philip Graham	Township	of	Blanford.
1306	Elijah Nellis	Township	of	Woodstock.
1307	Charles Burton	Township	of	West Oxford.
1308	Robert Deeds	do		do
1309	Thomas Barker	do		do
1310	William Reynold	do		do
1311	George Chambers	do		do
1312	John Johnson	do		do
1313	Jacob Chote	do		do
1314	N. M'Tigart	do		do
1315	William Barker	do		do
1316	Edward Merigold	do		do
1317	James H. Ingersoll	do		do
1318	F. T. H. Groves	do		do
1319	Carew Reynolds	do		do
1320	John Carne	do		do
1321	Joseph Barker	do		do
1322	David Reynolds	do		do
1323	Edmund Deeds, Esquire	do		do
1324	Samuel Smith	do		do
1325	James F. Worthy	do		do
1326	John Galway	do		do
1327	James Galway	do		do
1328	George Burton	do		do
1329	Samuel Canfield	do		do
1330	Lawrence Lawrison	do		do
1331	Edward Mathews	do		do
1332	Joel Pipes	do		do
1333	George Nichols	do		do
1334	Joseph Shepherd	do		do
1335	William Niles	do		do
1336	Daniel Harrison	do		do
1337	Michael Gray	do		do
1338	William Arnold	do		do
1339	John Wren	do		do
1340	Calvin Martin	do		do
1341	Daniel Harris, jun.	do		do
1342	Daniel Carroll	do		do

1343	Jacob Lakeman	Township	of	West Oxford.
1344	C. N. Thomas	do		do
1345	David Canfield	do		do
1346	Abraham Carroll	do		do
1347	Steward Canfield	do		do
1348	Joseph Shaw	Township	of	East Oxford.
1349	Samuel Frirell	do		do
1350	John Frirell	do		do
1351	James Barclay	do		do
1352	William Gray	do		do
1353	Henry Finkle	do		do
1354	Thomas Lazenby	do		do
1355	Thomas Hart	do		do
1356	James E. Petit	do		do
1357	Thomas Holdsworth	do		do
1358	Thomas Rock	do		do
1359	Joseph Will	do		do
1360	John Pratt	do		do
1361	Benjamin Clark	do		do
1362	John Biggins	do		do
1363	Charles Hart	do		do
1364	William Bush	do		do
1365	Benjamin Ryder	do		do
1366	Thomas Gleeson	do		do
1367	John Carter	do		do
1368	Thomas Scott	do		do
1369	William Heywood	do		do
1370	John Barclay	do		do
1371	Sylvanus Kipp	do		do
1372	Samuel Eakins	do		do
1373	John Green	do		do
1374	Thomas Appleton	do		do
1375	John Copp	do		do
(113)				
1376	Henry Younge	do		do
1377	John Howden, jun.	do		do
1378	Samuel Scriver	do		do
1379	John Phelan	do		do
1380	Alexander Daley	do		do
1381	Peter Cuthbert	do		do
1382	Duncan M'Pheil	do		do
1383	John Knaggs	do		do
1384	John Cain	do		do
1385	Henry Vansitart	do		do
1386	Edward Magee	do		do
1387	Varnum Methar	do		do
1388	David Bertrand	do		do

1389	Philip Martin	Township	of	East Oxford.
1390	Nicholas Oliver	do		do
1391	William Shaw	do		do
1392	Robert Clark	do		do
1393	Levi H. Perry	do		do
1394	John Gregg	do		do
1395	Thomas Mullins	do		do
1396	Edward Orr	do		do
1397	James Greenaway	do		do
1398	James Cuthbert	do		do
1399	William Cuthbert	do		do
1400	James Delahartz	do		do
1401	Hugh Donaldson	do		do
1402	William Lapenotière	do		do
1403	Thomas Holcroft	Township	of	North Oxford.
1404	John Carroll	do		do
1405	Robert Paterson	do		do
1406	James Paterson	do		do
1407	George H. Ronvière	do		do
1408	James Chapman, sen.	do		do
1409	John Carmagrie	do		do
1410	Alexander Morrison	do		do
1411	Benjamin B. Crawford	do		do
1412	James Davis	do		do
1413	William Palmer	do		do
1414	Jacob Carroll	do		do
1415	John Hutchison	do		do
1416	William Sutherland	do		do
1417	James Davidson	do		do
1418	Ebenezer Galloway	do		do
1419	Henry Crotty	do		do
1420	James Henderson	do		do
1421	Edmund Ross	do		do
1422	Henry G. Carroll	do		do
1423	Richard Crotty	do		do
1424	E. W. Light	do		do
1425	George Carne	do		do
1426	Donald Ross	do		do
1427	Chancey D. Martin	do		do
1428	Hon. D. B. Papineau	Montreal, Commissioner		
		of Crown Lands.		
1429	Hon. D. Daly	Montreal, Provincial		
		Secretary.		
1430	Hon. Richard A. Tucker	Montreal, Registrar		
		of the Province.		
1431	Tancred Boutillier, Esq.	Montreal, Assist. Com.		
		of Crown Lands.		
1432	Thomas Parke, Esq.	Montreal, Survey. Gen.		

1433	W. B. Spragge, Esq.	Montreal, Survey. Gen. Office.
1434	Felix Fortier, Esq.	Montreal, to produce the Poll Books of the Oxford Election, and Indenture of return for the same.
1435	James Cummings, Esq. M.P.P.	Chippewa and Montreal.
1436	Donald Proctor Ross, Esq.	Merchant, Montreal.
1437	John Arnold, Esq.	Judge of District Court, near Woodstock.
1438	George Vansittart, Esq.	Inspector of Licenses, near Woodstock.
1439	Simon F. Robertson, Esq.	Barrister at Law, near Woodstock.
1440	Laurence Lawrason, Esq. M.P.P.	London and Montreal.
1441	James Hopkirk, Esq.	Assist. Secy., Montreal.
1442	Peter Carroll, Esq.	Hamilton and Oxford.
1443	James Wilkes, Esq.	Merchant, Brantford.
1444	John Hatch, Esq.	Woodstock.
1445	James Ingersoll, Esq.	Registrar, Ingersolville.
1446	William Merigold, Esq.	Returning Officer at the late Oxford Elections.
1447	Edward Merigold	Dy. Registrar, Ingersolville.
1448	George H. Hackstaff	London.
1449	Thomas D. Harington, Esq.	Secretary's Office, Montreal.
1450	L. M. Reid	Of the Township of Zorra.
1451	Alex. M'Kay	Lot 8 in 8 Con. of Zorra.
1452	John M'Donald	Lot 10 in 11 Con. do
1453	Angus Campbell	Township of Woodstock.
1454	Alex. M'Kenzie	do do
1455	John Wilkinson	Township of Zorra.
1456	Hugh Donaldson	Township of Woodstock.
1457	James M'Callum	Township of Oxford.
1458	John Cummings, Gaoler	Township of Woodstock.
1459	Robert Clark	Township of Blanford.
1460	Nelson Clark	Township of Zorra
1461	Harry Dibble	do do
1462	Robert Clark	Township of Blenheim
1463	John Everett	Township of Zorra
1464	George Vallance	do do
1465	H. C. Hall	Township of Blenheim
1466	Anthony Norris	Lot 6, 4 Con. of Zorra.
1467	Duncan Hossack	Township of Zorra.
1468	Samuel Finch	Township of Oxford.
1469	Seneca Lewis	Township of Zorra.
1470	David Grant	do do
1471	George Monro	do do

1472	Hugh Mathewson	Township	of	Zorra.
1473	William Brafud	do		do
1474	Nelson Bendys	Township	of	Woodstock.
1475	Donald Matheson	Township	of	Zorra.
1476	Donald Sutherland, sen.	3 in 8 Con.	of	Zorra.
1477	Paul Murray	Township	of	Zorra.
1478	Alex. Wilson	do		do
1479	Alex. Monro	Lot 7 in 7 Con.		Zorra.
1480	George Murray	Township	of	Zorra.
1481	Richard Adams	do		do
1482	David Ross	do		do
1483	Stephen Pelton	do		do
1484	George Edgar	Township	of	Woodstock.
1485	James Murray	do		do
1486	James Rentua	do		do
1487	John Clarke	Township	of	East Oxford.
1488	Thomas Clarke	Township	of	Zorra.
1489	John Clarke	Township	of	Blanford.
1490	Joseph Clarke	Township	of	Blanford.
1491	Henry Lampost	Township	of	Woodstock.
1492	Daniel Phelan	Township	of	Ingersolville.
1493	Nathaniel Hill	Township	of	Woodstock.
1494	William Wilson	do		do
1495	Thomas Love	do		do
1496	John Carroll, Esq.	Township	of	Zorra.
1497	Alex. Ross, Township Collector	do		do
1498	W. Lapenotier, Esq., Clerk of Peace	Township	of	Woodstock.
1499	Jeremiah Cowin	Township	of	Blenheim.
1500	Daniel Southwick	do		do
1501	Murray Lester	do		do
1502	John Thomson	do		do
1503	John Jackson, Esq.	do		do
1504	Warren Snow	do		do
1505	J. Kennedy	do		do
1506	Arnold Burroughs	near Brantford.		
1507	Richard Burroughs	Township	of	Brantford.
1508	Gilbert Burroughs	do		do
1509	Arnold Burroughs, jun.	do		do
1510	Archibald Stuart	Township	of	Blenheim.
1511	Thomas Gadd	do		do
1512	J. Green	do		do
1513	Gabriel J. Purdy	do		do
1514	James Holmes	Township	of	Burford.
1515	George W. Whitehead	do		do
1516	Peter M. J. Mitchell	do		do
1517	John Mitchell	do		do
1518	William Palmer	do		do
1519	Caleb Fowler	do		do
1520	Jos. Haywood, sen.	do		do

1521	James Henderson	Township	of	Burford.
1522	E. Malcom	Township	of	Oakland.
1523	Hull Curtis	Township	of	Oxford.
1524	Abraham Canfield	do	do	
1525	Jos. Ryan	Township	of	Blenheim.
1526	James Ryan	Township	of	West Oxford.
1527	Thomas Baker	Township	of	Blenheim.
1528	E. Hall	do	do	
1529	John M'Donald	Township	of	Ingersolville.
1530	Hugh M'Dermid, sen.	Township	of	Nissouri.
1531	Hugh M'Dermid, junr.	do	do	
1532	Robert Cameron	do	do	
1533	David Service	do	do	
1534	Edward Shannon	do	do	
1535	George Forbes	Township	of	Zorra.
1536	Donald Ross	do	do	
1537	Thomas Scott	Township	of	East Oxford.
1538	Rody Hopkins	do	do	
1539	Charles Bush	do	do	
1540	Mary Bush	do	do	
1541	James Miller	Township	of	Woodstock.
1542	B. Varnum, Esq.	Township	of	Durham.
1543	William Dean	do	do	
1544	George Pennill	do	do	
1545	John Hower	do	do	
1546	Martin Vansickle	Township	of	Nissouri.
1547	Stephen Ball	do	do	
1548	Jonathan Case	Township	of	East Oxford.
1549	Sarah Hill	Township	of	Woodstock.
1550	Nathaniel Hill, sen.	do	do	
1551	A. W. Light, Esq.	do	do	
1552	David Hinick	Township	of	Nissouri.
1553	Michael Conell	Township	of	Norwich.
1554	John M'Kee	do	do	
1555	Thomas Wallace	do	do	
1556	Michael Stover	do	do	
1557	Michael Stover, jun.	do	do	
1558	Lewis Mott	do	do	
1559	Wm. Shewood	do	do	
1560	William Carroll	do	do	
(114)				
1561	Freeman Wilcox	do	do	
1562	H. D. Webster	do	do	
1563	Era Siple	do	do	
1564	John Hunt	do	do	
1565	Ephraim Cook	do	do	
1566	G. W. Curded	do	do	

1567	William King Higman	City	of	Montreal.
1568	Bernard Kinnear	Township	of	Oaklands.
1569	Matthew Massacar	do		do
1570	William Dennis	Township	of	Norwich.
1571	David Kipp	Township	of	Oxford, East.
1572	John Silverthorn	Township	of	Burford.
1573	Malcolm M'Kenzie	Township	of	Zorra.
1574	Philip Shadwick	do		do
1575	George Murray	do		do
1576	Alexander M'Kay	do		do
1577	Thomas Oliver	do		do
1578	Hugh Murray	do		do
1579	Alexander Campbell	do		do
1580	Daniel Gordon	do		do
1581	George Sutherland	do		do
1582	Angus M'Kay	do		do
1583	Angus M'Kay	do		do
1584	William Stuart	do		do
1585	Hugh Campbell	do		do
1586	William Bruce	do		do
1587	Jos. Browett	Township	of	Dereham.
1588	Elias Simmerman	Township	of	Burford.
1589	Wazmis Sutherland	Township	of	Woodstock.
1590	James Hay	Township	of	West Oxford.
1591	William Courtney	do		do
1592	William Scott	do		do
1593	Adam Dodge	do		do
1594	Robert Damby Ennis	do		do
1595	Henry Carroll	do		do
1596	Mich. Carroll	do		do
1597	Jacob Carne	do		do
1598	Thomas Peacock	Township	of	North Oxford.
1599	John Crotty	do		do
1600	Daniel Hall	Township	of	Blenheim.
1601	John Weir	Township	of	Burford.
1602	Gab. J. Purdy	do		do
1603	James Stewart	do		do
1604	Indum Charles	Township	of	Oxford.

FRANCIS HINCKS.

Mr. Riddell handed in a list of witnesses, required in behalf of himself, as the sitting Member for the county of Oxford, which was also read by the Clerk as follows:--

NAMES.

RESIDENCE.

1 Christopher Rubert

Township of Blenheim.

2	John Bricker	Township	of	Blenheim.
3	John Jackson	do		do
4	James Innis	do		do
5	Denton Burns	do		do
6	John Gould	do		do
7	Henry Rupert	do		do
8	David Burns	do		do
9	Daniel Martin	do		do
10	William Watkins	do		do
11	Absalom Shade	do		do
12	William Dixon, junior	do		do
13	William Doyle	do		do
14	Robert T. Bouchier	do		do
15	Christopher Harrison	do		do
16	Moses Johnson	do		do
17	Arnold Burroughs, junior	do		do
18	Richard W. Burroughs	do		do
19	Arnold Burroughs, senior	do		do
20	Noah Bulloch	do		do
21	Gilbert Burroughs	do		do
22	George Clark	do		do
23	Andrew Burgess	do		do
24	William Shannon	do		do
25	George Lothran	do		do
26	John Hersey	do		do
27	John D. Hughson	do		do
28	John Garnett	do		do
29	Elam Martin	do		do
30	John Melick	do		do
31	Joshua Burnett	do		do
32	William Cochran	do		do
33	John Gould, junior	do		do
34	William Burgess	do		do
35	George Brett	do		do
36	Moses Innis	do		do
37	James F. Tiprell	do		do
38	James Frenaman	do		do
39	George Frenaman	do		do
40	William Innis	do		do
41	Patrick Cully	do		do
42	James R. Buckaman	Township	of	Blandford.
43	Thomas Grinton	do		do
44	Walter H. Mortris	do		do
45	Joseph Evans	do		do
46	Joseph Macox	do		do
47	Jeremiah Mills	do		do
48	John Whitfield	do		do
49	William Hersey	do		do

50	William A. Gessing	Township	of	Blandford.
51	James Rouse	do		do
52	Edward Bouchier	do		do
53	Mathew French	do		do
54	George Simpson	do		do
55	George Tate	do		do
56	Mathew Ainsley	do		do
57	John Lester	do		do
58	Oved Wilson	do		do
59	John Scott	do		do
60	Nicholas Pickle	do		do
61	Samuel Boulton	do		do
62	John Thompson	do		do
63	Welcome Yale	do		do
64	Nicholas Pickle	do		do
65	Thomas Gadd	do		do
66	Trueworthy Smith	do		do
67	Joshua M'Carty	do		do
68	William Fritch	do		do
69	James Inwood	do		do
70	Benjamin Swears	do		do
71	Archibald Stuart	do		do
72	George Edgar	do		do
73	Amos Westoby Goodwin	do		do
74	Walter Jones	do		do
75	Warman Barnard	do		do
76	John M. F. Wilson	Town	of	Woodstock.
77	H. C. Barwick	Town	of	Blandford.
78	William Clark	Town	of	Woodstock.
79	John Turquand	Town	of	Blandford.
80	John Clark	do		do
81	Thomas Ditton, senior	Town	of	Woodstock.
82	Richard Kawlings	Town	of	Blandford.
83	Spencer M'Kay	Town	of	Woodstock.
84	Richard Fouquette	do		do
85	John Barwick	Town	of	Blandford.
86	James Barwick	do		do
87	Charles Turner	Town	of	Woodstock.
88	Thomas Small	do		do
89	Joseph Taylor	do		do
90	John Hayward	Town	of	Blandford.
91	William Hewitt	do		do
92	John Luston	Town	of	Woodstock.
93	Bryan Muby	do		do
94	Hugh Ross	Town	of	Blandford.
95	John Cummings	Town	of	Woodstock.
96	Weymus Sutherland	do		do

97	John Jones	Town	of	Woodstock.
98	Ham Voice	Township	of	Woodstock.
99	Amos Rockett	do		do
100	John Stevens	Township	of	Blandford.
101	Herbert Hickmot	Township	of	Woodstock.
102	Joseph J. Edgar	do		do
103	Hector Sutherland	do		do
104	James Clark	Township	of	Blandford.
105	James Carrall	Township	of	Woodstock.
106	Alexander M'Intosh	do		do
107	George Robinson	do		do
108	John Harrison	Township	of	Blandford.
109	Jacob Overholt	Township	of	Woodstock.
110	Evan Lewis	do		do
111	William C. Clark	Township	of	Blandford.
112	William M'Donald	do		do
113	Archibald Elliot	Township	of	Woodstock.
114	William Wilson	do		do
115	Abraham Sudworth	do		do
116	William Hill	Township	of	Blandford.
117	Edward Lakeiman	Township	of	Woodstock.
118	John Sutherland	do		do
119	Robert Campbell	Township	of	Blandford.
120	Thomas Love	do		do
121	William Dixon	Township	of	Woodstock.
122	Joseph Clark	Township	of	Blandford.
123	Thomas Ditton, junior	do		do
124	Roger Rollo Hunter	do		do
125	David John Hughes	Township	of	Woodstock.
126	Philip Graham	Township	of	Blandford.
127	Elijah Nellis	Township	of	Woodstock.
128	Archibald Birtch	Township	of	East Oxford.
129	Joseph Shaw	do		do
130	Samuel Frizell	do		do
131	John Frizell	do		do
132	James Barclay	do		do
133	William Gray	do		do

(115)

134	Henry Finkle	do		do
135	Thomas Lazenby	do		do
136	Thomas Hart	do		do
137	George Losey	do		do
138	James E. Petit	do		do
139	Thomas Holsworth	do		do
140	Thomas Rock	do		do
141	Joseph Will	do		do
142	John Pratt	do		do

143	Benjamin Clark	Township of East Oxford.	
144	John Biggins	do	do
145	Charles Hart	do	do
146	William Bush	do	do
147	Benjamin Ryder	do	do
148	Thomas Gleeson	do	do
149	John Carter	do	do
150	Thomas Scott	do	do
151	William Haywood	do	do
152	John Bartley	do	do
153	Sylvanus Kipp	do	do
154	Samuel Eakins	do	do
155	John Green	do	do
156	Thomas Appleton	do	do
157	John Copp	do	do
158	Henry Yunge	do	do
159	John Howden, junior	do	do
160	Samuel Scriver	do	do
161	John Phelan	do	do
162	Alexander Daly	do	do
163	Peter Cuthbert	do	do
164	Duncan M'Pheil	do	do
165	John Knaggs	do	do
166	Henry Vansittart	do	do
167	Edward Magee	do	do
168	Barnum Mather	do	do
169	David Bertrand	do	do
170	Phillip Martin	do	do
171	Nicholas Oliver	do	do
172	William Shaw	do	do
173	Robert Clark	do	do
174	Levy H. Perry	do	do
175	John Gregg	do	do
176	Thomas Mullins	do	do
177	Edward Orr	do	do
178	James Greenaway	do	do
179	James Cuthbert	do	do
180	James Delaharty	do	do
181	Hugh Donaldson	do	do
182	William Lapenotiere	do	do
183	Charles Burton	Township of West Oxford.	
184	Robert Deeds	do	do
185	Thomas Barker	do	do
186	William Reynolds	do	do
187	George Chambers	do	do
188	John Johnson	do	do
189	Jacob Chote	do	do
190	Niel M'Taggart	do	do
191	William Barker	do	do

192	Walter B. Mabee	Township of West Oxford.	
193	James H. Ingersol	do	do
194	F. J. Groves	do	do
195	Carew Reynolds	do	do
196	John Carn	do	do
197	William Scott	do	do
198	Moses Trip	do	do
199	James Hay	do	do
200	William Courtney	do	do
201	William Scott	do	do
202	Adam Dodge	do	do
203	Robert D. Ennis	do	do
204	Henry Carroll	do	do
205	William Carroll	do	do
206	Jacob Carn	do	do
207	Joseph Barker	do	do
208	David Reynolds	do	do
209	Edmund Deeds, Esq.	do	do
210	Samuel Smith	do	do
211	James F. Wheatly	do	do
212	John Galloway	do	do
213	James Galloway	do	do
214	George Burton	do	do
215	Samuel Canfield	do	do
216	Lawrence Lawrison	do	do
217	Edward Mathews	do	do
218	Joel Pipes	do	do
219	George Nichols	do	do
220	Joseph Shepherd	do	do
221	Daniel Harris, sen.	do	do
222	Michael Gray	do	do
223	William Arnold	do	do
224	John Wran	do	do
225	Calvin Martin	do	do
226	Daniel Harris, junior	do	do
227	Daniel Carroll	do	do
228	Jacob Lakeman	do	do
229	C. N. Thomas	do	do
230	David Canfield	do	do
231	Abraham Carroll	do	do
232	Steward Canfield	do	do
233	James Ingersoll	do	do
234	John M'Nerns	Oxford, northern division.	
235	Thomas Holcroft	do	do
236	John Carroll	do	do
237	Robert Paterson	do	do
238	George A. Romwire	do	do
239	James Chapman	do	do

240	John Carnagri	Oxford, northern division.	
241	Alexander Morrison	do	do
242	Benjamin B. Crawford	do	do
243	James Davis	do	do
244	William Palmer	do	do
245	Jacob Carroll	do	do
246	John Hutchison	do	do
247	William Sutherland	do	do
248	James Davidson	do	do
249	Ebenezer Galloway	do	do
250	Henry Crotty	do	do
251	Thomas Peacock	do	do
252	John Crotty	do	do
253	James Henderson	do	do
254	Edmund Ross	do	do
255	Henry G. Carroll	do	do
256	Richard Crotty	do	do
257	Charles E. W. Light	do	do
258	George Carne	do	do
259	Donald Ross	do	do
260	Chancey D. Martin	do	do
261	Francis Strond	Township of Dereham.	
262	Job James	do	do
263	Orlando Rutherford	do	do
264	Charles Penil	do	do
265	George Penil	do	do
266	John Burn	do	do
267	Thomas Withers	do	do
268	Robert Strond	do	do
269	Cato Bennes	do	do
270	James Wolf	do	do
271	John Withers	do	do
272	John Wilson	do	do
273	John Goodhand	do	do
274	Ogden Miller	do	do
275	Thomas Smart	do	do
276	Conrad Best	do	do
277	Robert Maddison	do	do
278	Joseph Boughner	do	do
279	John Atkinson	do	do
280	Joseph Browett	do	do
281	Paul Schooner	do	do
282	Charles Hawkins	do	do
283	Joseph Forbes	do	do
284	Jacob Glover	do	do
285	John Hower	do	do
286	Noah Terril	do	do
287	Henry Weir	Township of Burford.	

		Township	of	Burford.
288	Robert Weir			
289	Charles M'Gee	do		do
290	Francis Johnstone	do		do
291	James N. Oakley	do		do
292	William Phoenix	do		do
293	Joseph Haywood	do		do
294	Charles S. Purley	do		do
295	Elijah White	do		do
296	James Lewis	do		do
297	William B. Stuart	do		do
298	Daniel Eaton	do		do
299	William D. Bowen	do		do
300	George W. Whitehead	do		do
301	George Griggs	do		do
302	James Kennedy	do		do
303	Abishai Rand	do		do
304	Stephen M. Hoviet	do		do
305	Joseph Dutcher	do		do
306	Joseph Chambers	do		do
307	Joseph Jones	do		do
308	Robert Oliver	do		do
309	George Lane	do		do
310	John Singer	do		do
311	Alexander Dickil	do		do
312	Peter Martin	do		do
313	Enos Monette	do		do
314	Matthias Simmerman	do		do
315	Elias Simmerman	do		do
316	Joseph Miles	do		do
317	John P. Smith	do		do
318	Peter N. Weaver	do		do

(116)

319	Paul Moore	do		do
320	John Bowman	do		do
321	Gregston Lockhart	do		do
322	Joshua Bennett	do		do
323	Josiah Smith	do		do
324	John Mitchell	do		do
325	James Blair	do		do
326	Caleb Merritt	do		do
327	Jacob Smith	do		do
328	John Clemens	do		do
329	Jacob Darby	do		do
330	George F. Smith	do		do
331	Alexander Campbell	do		do
332	Robert Watson	do		do
333	Amos Merrigold	do		do

	Township	of	Burford.
334 Robert Burton	do		do
335 Henry K. Dutcher	do		do
336 William Smiley	do		do
337 James Holmes	do		do
338 John Walker M'Garyn	do		do
339 Alexander Moore	do		do
340 John Moore	do		do
341 John Armstrong	do		do
342 David Second	do		do
343 Joseph Haywood, junior	do		do
344 Paul Hoffman	do		do
345 Baptist Johnstone	do		do
346 Richard Johnstone	do		do
347 Abraham Moore	do		do
348 Thomas Walker	do		do
349 Joseph Thomas	do		do
350 Israel Gibbs	do		do
351 Walter Nichol	do		do
352 Peter Eiker	do		do
353 George Goslin	do		do
354 James Smiley	do		do
355 Lewis Charles	do		do
356 William Cresnar	do		do
357 John Gage	do		do
358 Isaac Kipp	do		do
359 Christopher Beamer	do		do
360 Abded Eddy	do		do
361 Peter M. S. Mitchell	do		do
362 Thomas Runnick	do		do
363 Frances Glover	do		do
364 Joseph Vivian	do		do
365 Luke V. Spurr	do		do
366 Stephen Leburne	do		do
367 Thomas W. Coleman	do		do
368 John Weir	do		do
369 David Lister	do		do
370 William Force	do		do
371 John Tenkisson	do		do
372 Nelson Dutcher	do		do
373 James Eakins	do		do
374 William Martin	do		do
375 John Talbert	do		do
376 John Harris	do		do
377 George Deverell	do		do
378 Willard M. Whitehead	do		do
379 Duncan Cameron	do		do
380 Thomas Crowthers	do		do
381 Daniel Kearny	do		do

382	George G. Ward	Township	of	Burford.
383	William Kingsford	do		do
384	John Haker	do		do
385	John A. Wilkes	do		do
386	Richard R. Heywood	do		do
387	William H. Surpill	do		do
388	Daniel Secord	Township	of	Oakland.
389	Charles Burtch	do		do
390	Robert Eadie	do		do
391	Charles Sayles	do		do
392	Eliakin Malcolm	do		do
393	John Secord	do		do
394	Daniel Elliot	do		do
395	Jesse West Brooke	do		do
396	Thomas Sayles	do		do
397	Wellington M'Allister	do		do
398	Adam Smith	do		do
399	George Bunchy	do		do
400	Jonathan Barnes	do		do
401	Wm. Muirhead	do		do
402	James Smith	Township	of	Zorra.
403	Donald M'Kay	do		do
404	Peter Beale	do		do
405	James Matheson	do		do
406	Silas Williams	do		do
407	Samuel J. Strafford	do		do
408	John Evans	do		do
409	James Austin	do		do
410	Robert Campbell	do		do
411	Alexander Rose	do		do
412	W. R. M'Cauley	do		do
413	George Verando	do		do
414	James M'Kay	do		do
415	Donald Campbell	do		do
416	Alexander Murray	do		do
417	Donald Monroe	do		do
418	Peter Carroll	do		do
419	Charles M'Kay	do		do
420	John Carroll	do		do
421	William Campbell	do		do
422	Alexander M'Kay	do		do
423	William Land	do		do
424	Hugh M'Kay	do		do
425	David Grant	do		do
426	Alexander Wood	do		do
427	William Gordon	do		do
428	James Young	do		do
429	Alexander M'Kay	do		do

	Township	of	Zorra.
430	Robert M'Donald		
431	Alexander M'Donald	do	do
432	John Murray	do	do
433	John Sutherland	do	do
434	Alexander Sutherland	do	do
435	William M'Kay	do	do
436	George Harris	do	do
437	John Elliot	do	do
438	Thomas Smith	do	do
439	William M'Kay	do	do
440	Alexander Bruce	do	do
441	Joseph Middewood	do	do
442	John Matheson	do	do
443	James Monroe	do	do
444	Charles Beale	do	do
445	William Oliver	do	do
446	George Hart	do	do
447	Joseph Brown	do	do
448	Angus M'Kay	do	do
449	Malcolm M'Kenzie	do	do
450	Philip Shadwick	do	do
451	George Murray	do	do
452	Alexander M'Kay	do	do
453	Thomas Oliver	do	do
454	Hugh Murray	do	do
455	Alexander Campbell	do	do
456	Donald Gordon	do	do
457	John Sutherland	do	do
458	John M'Donald	do	do
459	Angus M'Kay	do	do
460	Alexander M'Kay	do	do
461	Walter M'Kay	do	do
462	George Bailey	do	do
463	Jas. M'Kenzie	do	do
464	William Sutherland	do	do
465	Donald Sutherland	do	do
466	John Fraser	do	do
467	William Campbell	do	do
468	Peter Sutherland	do	do
469	Emelius Frogmen	do	do
470	James Sherrod	do	do
471	Charles Flowers	do	do
472	William Smith	do	do
473	John Finkle	do	do
474	William Lawson	do	do
475	Robert Sutherland	do	do
476	Robert M'Intyre	do	do
477	John Scott	do	do

	Township	of	Zorra.
478	Hugh Ross		
479	James M'Donald	do	do
480	John M'Kay	do	do
481	George M'Intosh	do	do
482	James Murray	do	do
483	Lauchlan Sutherland	do	do
484	Thomas Brown	do	do
485	Angus M'Kay	do	do
486	John Donaldson	do	do
487	Joseph Dell	do	do
488	Alexander M'Kay	do	do
489	Robert Sutherland	do	do
490	Robert M'Intosh	do	do
491	Joseph Bruce	do	do
492	William Stewart	do	do
493	Hugh Campbell	do	do
494	William Bruce	do	do
495	John Ball	do	do
496	Hugh Murray	do	do
497	Robert Murray	do	do
498	Andrew Sutherland	do	do
499	John Cummings, sen.	do	do
500	Thomas Cummings	do	do
501	Irving Sloane	do	do
502	Donald M'Intosh	do	do
503	James Morrison	do	do
504	William Murray	do	do
505	David Ross	do	do
506	Robert M'Donald	do	do
507	William Murray	do	do
508	Donald M'Corqudale	do	do
509	Allen Nision	do	do
510	William Chisholme	do	do
511	Donald Murray	do	do
512	Henry Huntinford	do	do
513	Donald M'Kay	do	do
514	Bernard Sessions	do	do
515	John M'Kay	do	do
516	Joseph Leycock	do	do
517	William Murray	do	do
518	James Sutherland	do	do
(117)			
519	George Campbell	do	do
520	Robert Ford	do	do
521	Barclay Monroe	do	do
522	Peter M'Kay	do	do
523	William Thompson	do	do
524	Alexander Munroe	do	do
525	William Murray	do	do

	Township	of	Zorra.
526	Kenneth Cameron		
527	Donald Sutherland	do	do
528	Alexander M'Donald	do	do
529	James Baker	do	do
530	George Munroe	do	do
531	Charles Munroe	do	do
532	John M'Donald	do	do
533	Donald M'Kay	do	do
534	Alexander Sutherland	do	do
535	Jacob Barney	do	do
536	John Jacket	do	do
537	Joseph Crawford	do	do
538	Philip Baker	do	do
539	William Murray	do	do
540	William M'Kay	do	do
541	Alexander Hossack	do	do
542	John Rice	do	do
543	William Light	do	do
544	Andrew Carroll	do	do
545	Thomas Buckle	do	do
546	Walter Tate	do	do
547	John Anderson	do	do
548	Thomas Palliser	do	do
549	John Ross	do	do
550	Martin King	do	do
551	Cornelius Ernest	do	do
552	Donald M'Kay	do	do
553	Robert Stewart Campbell	do	do
554	George Hay	do	do
555	George Murray	do	do
556	William Galloway	do	do
557	Isaac Cook	do	do
558	Thomas Fox	do	do
559	John Wilkinson	do	do
560	George Sweet	do	do
561	John Campbell	do	do
562	Alexander M'Kenzie	do	do
563	Manuel Horton	do	do
564	Alexander Murray	do	do
565	John M'Kay	do	do
566	William Barwick	do	do
567	William M'Kenzie	do	do
568	John Barclay	do	do
569	Robert Clements	do	do
570	John Ross	do	do
571	Alexander Copp	do	do
572	Adam Marshall	do	do
573	George Matheson	do	do

574	<i>Samuel T. Clemens</i>	<i>Township</i>	<i>of</i>	<i>Zorra.</i>
575	<i>George W. Barwick</i>	<i>do</i>		<i>do</i>
576	<i>John M'Lean</i>	<i>do</i>		<i>do</i>
577	<i>Murdock Campbell</i>	<i>do</i>		<i>do</i>
578	<i>Frederick Fongenan</i>	<i>do</i>		<i>do</i>
579	<i>John Forbes</i>	<i>do</i>		<i>do</i>
580	<i>George Walker</i>	<i>do</i>		<i>do</i>
581	<i>Archibald M'Caul</i>	<i>do</i>		<i>do</i>
582	<i>John McArthur</i>	<i>do</i>		<i>do</i>
583	<i>Joseph Turner</i>	<i>do</i>		<i>do</i>
584	<i>Robert Mitchell</i>	<i>do</i>		<i>do</i>
585	<i>Duncan M'Caul</i>	<i>do</i>		<i>do</i>
586	<i>Dugald M'Caul</i>	<i>do</i>		<i>do</i>
587	<i>Hugh Sutherland</i>	<i>do</i>		<i>do</i>
588	<i>William Ross</i>	<i>do</i>		<i>do</i>
589	<i>Donald Leslie</i>	<i>do</i>		<i>do</i>
590	<i>William Leslie</i>	<i>do</i>		<i>do</i>
591	<i>James Gurns</i>	<i>do</i>		<i>do</i>
592	<i>John B. Askin</i>	<i>do</i>		<i>do</i>
593	<i>Arthur Armstrong</i>	<i>do</i>		<i>do</i>
594	<i>Daniel Roberts</i>	<i>do</i>		<i>do</i>
595	<i>John Bunting</i>	<i>do</i>		<i>do</i>
596	<i>Angus M'Kay</i>	<i>do</i>		<i>do</i>
597	<i>William Denman</i>	<i>do</i>		<i>do</i>
598	<i>Alexander Gordon</i>	<i>do</i>		<i>do</i>
599	<i>John D. Dent</i>	<i>do</i>		<i>do</i>
600	<i>Richard Empit</i>	<i>do</i>		<i>do</i>
601	<i>Donald M'Kenzie</i>	<i>do</i>		<i>do</i>
602	<i>James Murray</i>	<i>do</i>		<i>do</i>
603	<i>Thomas Rowland</i>	<i>do</i>		<i>do</i>
604	<i>Angus M'Kay</i>	<i>do</i>		<i>do</i>
605	<i>John Barclay</i>	<i>do</i>		<i>do</i>
606	<i>George Macdonald</i>	<i>do</i>		<i>do</i>
607	<i>William M'Kenzie</i>	<i>do</i>		<i>do</i>
608	<i>Isaac Osborne</i>	<i>do</i>		<i>do</i>
609	<i>David Bott</i>	<i>do</i>		<i>do</i>
610	<i>Alexander M'Kay</i>	<i>do</i>		<i>do</i>
611	<i>James M'Donald</i>	<i>do</i>		<i>do</i>
612	<i>David M'Donald</i>	<i>do</i>		<i>do</i>
613	<i>Henry Bean</i>	<i>do</i>		<i>do</i>
614	<i>David Murray</i>	<i>do</i>		<i>do</i>
615	<i>Thomas Baker</i>	<i>do</i>		<i>do</i>
616	<i>John Murray</i>	<i>do</i>		<i>do</i>
617	<i>John Schran</i>	<i>do</i>		<i>do</i>
618	<i>Andrew Murray</i>	<i>do</i>		<i>do</i>
619	<i>James Fletcher</i>	<i>do</i>		<i>do</i>
620	<i>Leonard Karne</i>	<i>do</i>		<i>do</i>
621	<i>Richard Adams</i>	<i>do</i>		<i>do</i>
622	<i>Robert Ross</i>	<i>do</i>		<i>do</i>

623	John Matheson	Township	of	Zorra.
624	William Danby	do		do
625	Robert Riddle	do		do
626	John M'Kay	do		do
627	Smithson Waller	Township	of	Norwich.
628	Launcelot Waller	do		do
629	Thomas Fletcher	do		do
630	Edward Fletcher	do		do
631	Michael Fletcher	do		do
632	Samuel Waller	do		do
633	Joshua H. Corbin	do		do
634	John Mullholland	do		do
635	James Tisdale	do		do
636	Henry Strond	do		do
637	Jacob Stover	do		do
638	James Wright	do		do
639	Robert Scott	do		do
640	Alfred Toeland	do		do
641	Samuel Kaler	do		do
642	William Scott	do		do
643	James Gowan	do		do
644	William James	do		do
645	Henry Kellet	do		do
646	Edward Anderson	do		do
647	Charles Anstice	do		do
648	John Jacques	do		do
649	Joseph Lee	do		do
650	Abraham Swartwout	do		do
651	Adam Stover	do		do
652	Stephen Branchflower	do		do
653	Alfred Brearly	do		do
654	John M'David	do		do
655	James Bailey	do		do
656	Frederick Stover	do		do
657	Philip Fall	do		do
658	Michael Cornwall	do		do
659	Daniel Moore	do		do
660	James Pritchard	do		do
661	William Wallace	do		do
662	Thomas Lyons	do		do
663	John Weir	do		do
664	Henry Stevens	do		do
665	William Simmons	do		do
666	Smith M'Donald	do		do
667	Mathias Snyder	do		do
668	John A. Tidy	do		do
669	Francis Davis	do		do
670	Miles Pennington	do		do

671	Joshua James	Township	of	Norwich.
672	John Gilbert	do		do
673	Henry P. Jones	do		do
674	Israel Snyder	do		do
675	Gilbert Stover	do		do
676	Joseph Edgar	do		do
677	Michael Stover, sen.	do		do
678	Ichabod Bowerman	do		do
679	William Miller	do		do
680	Mathew Scott	do		do
681	Robert Cameron	Township	of	Nissouri.
682	Donald M'Donell	do		do
683	George Bailey	do		do
684	Robert Chesnut	do		do
685	William Fowle	do		do
686	Nelson Swezy	do		do
687	Joseph Greaves	do		do
688	Robert Todd Dean	do		do
689	Joseph Wheeler	do		do
690	Joseph M'Gaffin	do		do
691	James Ardle	do		do
692	William Mossop	do		do
693	Thomas Guest	do		do
694	John Tracy	do		do
695	James Scott	do		do
696	John Fitzimmons	do		do
697	George Logan	do		do
698	John Bilton	do		do
699	Isaac Johnson	do		do
700	James Beatie	do		do
701	William Harding	do		do
702	Alexander Sutherland	do		do
703	Ebenezer Sutherland	do		do
704	William Sutherland	do		do
705	James Hurford	do		do
706	John Queeke	do		do
707	Henry Smith	do		do
708	William O'Brien	do		do
709	John Judge	do		do
710	George Scott	do		do
711	Robert M'Putchin	do		do
712	John Buggess	do		do
713	John Mormon	do		do
714	William Mooney	do		do
715	William Fram	do		do
716	John Cameron	do		do
717	John Cowan	do		do
718	William M'Martin	do		do

(118)

719	John Logan	Township	of	Nissouri.
720	William Dickey	do		do
721	Andrew Gray	do		do
722	John Ward Vandiberg	do		do
723	James Shanley	do		do
724	James Shanley, jun.	do		do
725	John Gillis	do		do
726	Edward Logan	do		do
727	Alexander Fraser	do		do
728	Alexander Sutherland	do		do
729	George Martin	do		do
730	John Densmore	do		do
731	Donald Ross	do		do
732	Alexander Ross	do		do
733	Alexander M'Donald	do		do
734	Donald M'Caul	do		do
735	William Shaw	do		do
736	Walter Ross	do		do
737	Alexander Murray	do		do
738	John Matheson	do		do
739	Isaac Brock Cameron	do		do
740	Joseph Johnson	do		do
741	Robert Barrie	do		do
742	Thomas Steadman	do		do
743	John Adams	do		do
744	John Ross	do		do
745	Michael Dupee	do		do
746	Hamlet Sayles	do		do
747	Matthew Elliott	do		do
748	Alexander Fraser	do		do
749	Robert Logan	do		do
750	William Park	do		do
751	Hugh M' Dermont	do		do
752	William Withers	do		do
753	Jeremiah Cowan	Township	of	Blenheim.
754	William Winegarden	do		do
755	William W. Kitchen	do		do
756	Benjamin Horner	do		do
757	William Showers	do		do
758	Daniel Winegarden	do		do
759	William L. Goble	do		do
760	Amos Colburn	do		do
761	William O'Brien	do		do
762	John Hestand	do		do
763	Peter Bricker	do		do
764	John Stromb	do		do
765	Gideon Mame	do		do

	Township	of	Blenheim.
766	William Kelly	do	do
767	Samuel Crosby	do	do
768	James H. Madden	do	do
769	Abraham Hagey	do	do
770	Daniel Leighton	do	do
771	Moses Bricker	do	do
772	Benjamin Colburn	do	do
773	Enos Johnson	do	do
774	Robert Millard	do	do
775	Jacob G. Stauffer	do	do
776	Addphe Fisher	do	do
777	Joseph Wallman	do	do
778	John Johnson	do	do
779	Thomas Burroughs	do	do
780	John Maynard	do	do
781	George Hermer	do	do
782	Samuel Nevers	do	do
783	Thomas Workman	do	do
784	William Hawson	do	do
785	John Roach	do	do
786	John Dixon	do	do
787	William Richardson	do	do
788	William Dixon	do	do
789	William Whitehead	do	do
790	Robert Richardson	do	do
791	James Tenant	do	do
792	William Daniels	do	do
793	William Rathbun	do	do
794	Michael Showers	do	do
795	Charles Mitchell	do	do
796	Angus M'Donald Clark	do	do
797	Thomas Horner	do	do
798	Stephen Chase	do	do
799	Daniel Fortney	do	do
800	George Slipper	do	do
801	Charles Moore	do	do
802	Cameron Anderson	do	do
803	John Pine	do	do
804	Isaac Tunis	do	do
805	Samuel Freed	do	do
806	Henry Betchtel	do	do
807	Peter Hover	do	do
808	John M'Gaffin	do	do
809	Calvin Pine	do	do
810	Ephraim Browers	do	do
811	James Crampback	do	do
812	John Eaton	do	do
813	John Sidler	do	do

814	Thomas Millard	Township	of	Blenheim.
815	James Wilson	do		do
816	James Allison	do		do
817	John C. Harp	do		do
818	William Spears	do		do
819	Norman M'Leod	do		do
820	Douglass Lilies	do		do
821	George Andison	do		do
822	Jeremiah Harp	do		do
823	James Thomas	do		do
824	John G. Lindsay	do		do
825	John Eddy	Township	of	Oakland.
826	David Lefler	do		do
827	John Malcolm	do		do
828	Finlay Malcolm	do		do
829	Lewis Smith	do		do
830	Lyman Chapin	do		do
831	Wm. Smith	do		do
832	Amasa Bube	do		do
833	Sanford B. King	do		do
834	Shubarb Malcolm	do		do
835	James Malcolm	do		do
836	Samuel Fairchild	do		do
837	Duncan Malcolm	do		do
838	Charles Eddy	do		do
839	Jos. Chatterson	do		do
840	Malcolm Brown	do		do
841	Charles Chapin	do		do
842	Isaac Fairchild	do		do
843	Hugh Downey	do		do
844	Thomas Cook	do		do
845	Mathias Woodley	do		do
846	Abraham Baker	do		do
847	Solomon Mathews	do		do
848	Abraham Westbrook	do		do
849	George Cunningham	do		do
850	Moses Baldwin	do		do
851	Bernard Kinnear	do		do
852	Shuman Bingham	do		do
853	William Massacar	do		do
854	Mathew Massacar	do		do
855	Jeremiah Durham	do		do
856	Asa Second	do		do
857	John Harrington	Township	of	Zorra.
858	Israel Smith Wood	do		do
859	Jeremiah Letts	do		do
860	George Blake	do		do
861	William Anderson	do		do

	Township	of	Zorra.
862	Stephen Pelton	do	do
863	Richard Timms	do	do
864	William Powell	do	do
865	John Strong	do	do
866	Harvey Dibble	do	do
867	Nelson Brown	do	do
868	William Brown	do	do
869	Daniel Youngs	do	do
870	John Cooke	do	do
871	John B. Wilkenson	do	do
872	William Walsh	do	do
873	Abraham Hallock	do	do
874	Thomas Wait	do	do
875	Seneca Lewis	do	do
876	Ph. Allen	do	do
877	Eh. Pavy	do	do
878	William Pavy	do	do
879	Horatio Lewis	do	do
880	John M'Pherson	do	do
881	Andrew M'Pherson	do	do
882	George M'Pherson	do	do
883	John M'Donald	do	do
884	Hiram L. Burk	do	do
885	Ansen V. Barr	do	do
886	John Ross	do	do
887	Thomas Cooke	do	do
888	Israel Reed	do	do
889	Joseph J. Upper	do	do
890	Lemuel Reed	do	do
891	Benson Pelton	do	do
892	John Ross	do	do
893	Robert M'Donald	do	do
894	Alexander M'Pherson	do	do
895	William M'Pherson	do	do
896	Elijah Wait	do	do
897	Huson Hallock	do	do
898	William Bedford	do	do
899	Willard Grout	do	do
900	Joshua Youngs	do	do
901	Hamon Pepin	do	do
902	Francis Malcolm	do	do
903	Thomas M'Lean	do	do
904	Alexander Clarke	do	do
905	Philip Aldrich	do	do
906	Abraham Vernatter	do	do
907	James Adams	do	do
908	Robert Mathews	do	do
909	Alamson Avery	do	do

910	John M'Donald	Township	of	Zorra.
911	Daniel Turner	do		do
912	Robert Adam	do		do
913	Angus Monroe	do		do
914	Shepston Burdich	do		do
915	Edward Fletcher	do		do
916	Donald Clarke	do		do
917	William Sovereign	do		do
918	David Ramsay	do		do

(119)

919	David Dingman	do		do
920	Weston Allen	do		do
921	Charles D. Swan	do		do
922	George Duncan	do		do
923	Levi Lewis, sen.	do		do
924	Henry Shaver	do		do
925	David Cost	do		do
926	Abraham Dolson	do		do
927	Allan H. Welsh	do		do
928	John Smith	do		do
929	George Marn	do		do
930	Luther Deforest	do		do
931	William M'Donald	do		do
932	William Maynard	do		do
933	Kenneth Murray	do		do
934	William Acre	do		do
935	John Maxwell	do		do
936	William Carter	do		do
937	John Smith	do		do
938	Henry Rossence	do		do
939	Isaac Burdich	do		do
940	Stratton Powell	do		do
941	Joseph Meadows	do		do
942	Silas Waterbury	do		do
943	Alexander Wilson	do		do
944	William Walker	do		do
945	James Wilkes	do		do
946	John Wilson	do		do
947	Willard Burdich	do		do
948	George W. Reed	do		do
949	John M. Ross	do		do
950	George Ross	do		do
951	Henry Gainon	do		do
952	David L. Demorest	do		do
953	Ambroise Vanatter	do		do
954	George Matheson	do		do
955	Albert Burdich	do		do

956	Nicholas Vanslyke	Township	of	Zorra.
957	Asa Hallock	do		do
958	Gabriel Youngs	do		do
959	Alexander Gunn	do		do
960	G. Oliver	do		do
961	Donald M'Donald	do		do
962	Vandem B. Taft	do		do
963	Eli Cross	do		do
964	Samuel Karn	do		do
965	Jared Vining	Township	of	Nissouri.
966	Charcy Pundy	do		do
967	James Bodwell	do		do
968	Nathan P. Allan	do		do
969	Rice Mather	do		do
970	Thomas M'Kay	do		do
971	John N. Thorton	do		do
972	Steven Triple	do		do
973	David Service	do		do
974	John M'Dairmid	do		do
975	John Newton	do		do
976	James Shannon	do		do
977	Hiram German	do		do
978	Charles Hardie	do		do
979	Thomas Bailey	do		do
980	Edward Kearn	do		do
981	Thomas Wren	do		do
982	John Kearn	do		do
983	George Belton	do		do
984	Thomas Batchgood	do		do
985	Stodart Comstock	do		do
986	Denis Horsman	do		do
987	Elijah Ferris	do		do
988	Peter Smith	do		do
989	Willard Squires	do		do
990	William Purdy	do		do
991	James Brown	do		do
992	George Garner	do		do
993	Turner Farley	do		do
994	William M'Diarmid	do		do
995	John F. Dumont	do		do
996	Henry Oliver	do		do
997	Eleazar M'Carthy	do		do
998	John Fletcher	do		do
999	Preserved Fish	do		do
1000	Arthur Wilson	do		do
1001	John Bailey	do		do
1002	Jared M. Vining	do		do
1003	Francis Bowers	do		do

1004	Clanson Burgess	Township	of	Nissouri.
1005	Anthony Turner	do		do
1006	John Crone	do		do
1007	Isaac Insign	do		do
1008	George Burgess	do		do
1009	Elmer Day	do		do
1010	Nelson Day	do		do
1011	William Bailey	do		do
1012	Archbill Curtis	do		do
1013	Francis Garner	do		do
1014	James Burdich	do		do
1015	John London	do		do
1016	Stephen Ball	do		do
1017	Robert Botchgood	do		do
1018	Henry Scott	do		do
1019	James Burns	do		do
1020	William Sweezy	do		do
1021	Harvey Campbell	do		do
1022	Abraham Moneymaker	do		do
1023	William Elliot	do		do
1024	Adam Hanes	do		do
1025	Thomas Scatcherd	do		do
1026	Terrence Cromay	do		do
1027	Hugh Davis	do		do
1028	Lyman Howard	do		do
1029	Patrick M'Carren	do		do
1030	James Farley	do		do
1031	Hugh M'Dairmid	do		do
1032	John Scatcherd	do		do
1033	Archibald Birtch	Township	of	Oxford, (East.)
1034	Hervey Dorman	do		do
1035	C. Wood	do		do
1036	Henry Birtch	do		do
1037	Hocam Spreagy	do		do
1038	Thomas Shenston	do		do
1039	John Leak	do		do
1040	John Clark	do		do
1041	George Henry	do		do
1042	William Black	do		do
1043	James Wood	do		do
1044	George Losey	do		do
1045	Abraham Camfield	do		do
1046	Daniel Birtch	do		do
1047	Reuben J. Thornton	do		do
1048	Samuel Maybee	do		do
1049	Henry Lampost	do		do
1050	Philip Lampman	do		do
1051	David Watt	do		do
1052	Jonathan Pride	do		do
1053	Charles Mun	do		do

1054	Robert Currie	Township of Oxford, (East.)	
1055	Joel Canfield	do	do
1056	James Johnston	do	do
1057	Samuel Demont	do	do
1058	Tobai Welsh	do	do
1059	George Hartsell	do	do
1060	John Douglass	do	do
1061	Andrew Davidson	do	do
1062	Hiram G. Spragge	do	do
1063	John Innis	do	do
1064	John Verman	do	do
1065	James Mavor	do	do
1066	William Burgess	do	do
1067	John Bennett	do	do
1068	Jonathan Tripp	do	do
1069	William Peers	do	do
1070	Seymour Sage	do	do
1071	John Swezey	do	do
1072	Thomas Gaynar	do	do
1073	Albert Spencer	do	do
1074	William Lenanon	do	do
1075	Charles Bush	do	do
1076	Hesikiah Tuttle	do	do
1077	Benjamin Lampost	do	do
1078	Josiah Luddington	do	do
1079	Robert Monow	do	do
1080	George Hay	do	do
1081	Thomas Ball	do	do
1082	John Kipp	do	do
1083	Rheuben Daton	do	do
1084	Abraham Sackrider	do	East Oxford.
1085	Hugh Lindsay Munroe	do	do
1086	Stephen V. R. Douglass	do	do
1087	Donald M'Pherson	do	do
1088	Alexander M'Leod	do	do
1089	John B. Tree	do	do
1090	Thomas Fowler	Township of Burford.	
1091	Christopher Beamer	do	do
1092	Daniel Totten	do	do
1093	James Lafferty	do	do
1094	Alonzo Foster	do	do
1095	Henry C. Horner	do	do
1096	Abraham Kelly	do	do
1097	George Beamer	do	do
1098	Alexander M'Phee	do	do
1099	James Van Camp	do	do
1100	Robert Lymburner	do	do
1101	Augustus Malcolm	do	do
1102	Peter Malcolm	do	do

1103	Hervey Ross	Township	of	Burford .
1104	Jacob Winegarden	do		do
1105	Robert Scott	do		do
1106	George W. Hart	do		do
1107	Gideon Ryder	do		do
1108	Lathrope Green	do		do
1109	Benjamin Kipp	do		do
1110	Robert Muir	do		do
1111	Havilah Frudenburg	do		do
1112	Lucius Brey	do		do
1113	James Rounds	do		do
1114	Caleb P. Fowler	do		do
1115	Thos. M'Kenzie	do		do
1116	Cyrus Hunt	do		do

(120)

1117	Nelson Ruthbone	do		do
1118	Thomas Wheeland	do		do
1119	Constant Eddy	do		do
1120	Abraham K. Smith	do		do
1121	James F. M'Nally	do		do
1122	Thomas Muir	do		do
1123	Richard Silverthorn	do		do
1124	John Silverthorn	do		do
1125	Edward Burz	do		do
1126	John Hainer	do		do
1127	William Birtch	do		do
1128	Thomas Philips	do		do
1129	David Doyle	do		do
1130	John Kelly	do		do
1131	Stephen Landon	do		do
1132	Joseph Smith	do		do
1133	Ransford Rounds	do		do
1134	William M'Williams	do		do
1135	Enoch Lawrence	do		do
1136	Uzal O. Kelly	do		do
1137	John Glover	do		do
1138	Levi Berry	do		do
1139	John M. Charles	do		do
1140	Howland Soules	do		do
1141	John Bedford	do		do
1142	John Bowman	do		do
1143	Peter Niff	do		do
1144	Russell Smith	do		do
1145	Aaron M'Williams	do		do
1146	Rowland Ryder	do		do
1147	Jacob Teigh	do		do
1148	William Lymburner	do		do

1149	John London	Township	of	Burford.
1150	Jesse Schooley	do		do
1151	Philips Kelly	do		do
1152	Charles Hedges	do		do
1153	Samuel Furgusson	do		do
1154	Isaac Wooden	do		do
1155	Isaac Winegarden	do		do
1156	John Trainer	do		do
1157	John Bowman	do		do
1158	Josiah T. Allen	do		do
1159	Philips Degenie	do		do
1160	Andrew Rosswell	do		do
1161	Joseph Pickle	do		do
1162	William Fowler	do		do
1163	William Nelmes	do		do
1164	Richard Kipp	do		do
1165	William M'Lean	do		do
1166	Jacob Hess	do		do
1167	Samuel Mills	do		do
1168	James Bailey	do		do
1169	James Oswald	do		do
1170	William Lewis	do		do
1171	Darius Fowler	do		do
1172	Elias Fowler	do		do
1173	Melzar Fowler	do		do
1174	George Higson	do		do
1175	John Lossing	do		do
1176	Hugh Clark	do		do
1177	Nathan B. Fowler	do		do
1178	Major Crowbright	do		do
1179	Jacob Beamer	do		do
1180	William Bowman	do		do
1181	George Bowman	do		do
1182	Enoch Ryder	do		do
1183	Jonathan Ryder	do		do
1184	William Thomson	do		do
1185	Henry Force	do		do
1186	Edmund Thomson	do		do
1187	William Olmstead	do		do
1188	John Lawrence	do		do
1189	Hiram Keeny	do		do
1190	William Rounds	do		do
1191	Robert M'Levey	do		do
1192	William Ryder	do		do
1193	Oliver Adams	do		do
1194	John G. Losse	Township	of	Norwich.
1195	Israel Wood	do		do
1196	Joseph Woodrow	do		do
1197	Owen Stringan	do		do

		Township	of	Norwich.
1198	Elias Bowerman	do		do
1199	James Norris	do		do
1200	Isaac B. Bowerman	do		do
1201	Lindley Moore Webster	do		do
1202	James Beach	do		do
1203	Henry W. Bradley	do		do
1204	Aaron L. Corbin	do		do
1205	Thomas Gray	do		do
1206	Adam L. M'Lees	do		do
1207	G. W. Carder	do		do
1208	Michael Stover	do		do
1209	James C. Hughes	do		do
1210	Jeremiah J. Lossee	do		do
1211	Preserved Thomson	do		do
1212	Daniel Haddock	do		do
1213	William Young	do		do
1214	Nicholas Halligan	do		do
1215	John E. Ernigh	do		do
1216	James Wickham	do		do
1217	David D. Bates	do		do
1218	Peter Burgar	do		do
1219	John Helliked	do		do
1220	John Siple	do		do
1221	John Chace	do		do
1222	Peter Gardiner	do		do
1223	David DeLong	do		do
1224	Shubarl Nichols	do		do
1225	John Hunt	do		do
1226	James F. Chapman	do		do
1227	William Spencer	do		do
1228	Jonathan Ernigh	do		do
1229	Alex. W. Ross	do		do
1230	Elias Snyder	do		do
1231	Henry Dennis	do		do
1232	Joseph K. Dixon	do		do
1233	James Dennis	do		do
1234	William B. DeLong	do		do
1235	William Crawford	do		do
1236	David Nicholl	do		do
1237	Hiram Capron	do		do
1238	Louis Molt	do		do
1239	John Somers	do		do
1240	Enoch Molt	do		do
1241	Elijah Gleeson	do		do
1242	Benjamin Cole	do		do
1243	Jas. M'Lees	do		do
1244	Henry Siple	do		do
1245	David D. Wilson	do		do
1246	John S. Stringham	do		do

		Township	of	Norwich.
1247	Henry Sherwood	do		do
1248	Richard Gillord	do		do
1249	David Hill	do		do
1250	Sylvanus Nicholl	do		do
1251	David Hagarman	do		do
1252	Wm. Ernigh	do		do
1253	William Cline	do		do
1254	Henry H. Southwick	do		do
1255	Andrew Wilson	do		do
1256	Robert Vanduzen	do		do
1257	Colin Campbell Ferrie	do		do
1258	Henry J. Helliker	do		do
1259	Isaac Smith	do		do
1260	Peter Sackrider	do		do
1261	John Comer	do		do
1262	Jacob Kelly	do		do
1263	John Griffin	do		do
1264	Andrew Cohoe	do		do
1265	Oliver H. Hunter	do		do
1266	Moses Stringham	do		do
1267	Garry V. Delony	do		do
1268	Albert Lossing	do		do
1269	Abraham Campbell	do		do
1270	Philip J. Snyder	do		do
1271	Ewd. Burgess	do		do
1272	Platt Dennis	do		do
1273	Geo. C. Tremain	do		do
1274	Jos. H. Throckmorton	do		do
1275	Cornelius Hughes	do		do
1276	Jos. Thompson	do		do
1277	Mich. Arthur M'Elhone	do		do
1278	John Gillam	do		do
1279	Henry Ernigh	do		do
1280	John Hughes	do		do
1281	John Wesley Peasley	do		do
1282	Edmund M'Lees	do		do
1283	Edmund Lossing	do		do
1284	Baldwin Merritt	do		do
1285	Thomas Cornwell	do		do
1286	Henry Austin	do		do
1287	John Healy	do		do
1288	Nicholas Munc	do		do
1289	Martin Cornwell	do		do
1290	Richard Lossing	do		do
1291	Dyer Wilcox	do		do
1292	Benjamin Holmes	do		do
1293	Hiram Van Volkinburgh	do		do
1294	Wm. Stover	do		do

		Township	of	Norwich.
1295	Nehemiah Root	do		do
1296	John Thompson	do		do
1297	Horance Lossing	do		do
1298	Stephen Sherwood	do		do
1299	John Batcheldor	do		do
1300	John P. Page	do		do
1301	David Sherman	do		do
1302	Jervis Dennis	do		do
1303	Wm. Dennis	do		do
1304	John Steele	do		do
1305	Reuben Molt	do		do
1306	Crowel Webster	do		do
1307	Hartwell Shattuck	do		do
1308	Edmund Bearss	do		do
1309	Ranson Woodward	do		do
1310	David Barton	do		do
1311	Martin Quaternass	do		do
1312	Benjamin Healy	do		do
1313	Wm. Merrill	do		do
1314	Archibald Fleming	do		do
1315	Egbert M'Lees	do		do
1316	Daniel W. Daney	do		do

(121)

1317	Jacob Hayht	do		do
1318	John C. Hamilton	do		do
1319	Robert Wilcox	do		do
1320	Peter Depew	do		do
1321	William Carroll	do		do
1322	John M'Kee	do		do
1323	Benson Lossing	do		do
1324	Ira. Allan	do		do
1325	Henry H. Root	do		do
1326	James Cromwell	do		do
1327	John Stover	do		do
1328	Moses Molt	do		do
1329	Henry Cornwell	do		do
1330	Michael Kiff	do		do
1331	Ebenezer Haley	do		do
1332	Wm. S. Moore	do		do
1333	Samuel Healey	do		do
1334	Alden Sherman	do		do
1335	Wm. L. Taylor	do		do
1336	John Sheaghan	do		do
1337	Peter M'Nelly	do		do
1338	William Wilson	Township	of	Blandford.
1339	James Laycock	do		do
1340	James Simpson	do		do

1341	John Buchanan	Woodstock	(Town.)
1342	Elijah Hill	do	do
1343	Alex. M'Kay	do	do
1344	Hamilton Burtch	Township	of Blandford.
1345	Nathaniel Hill	Township	of Woodstock.
1346	Hugh Matheson	do	do
1347	Thomas Dunn	do	do
1348	Benjamin Sutherland	do	do
1349	James Dunn	do	do
1350	Thomas Putman	do	do
1351	George Putman	do	do
1352	Lochlan Gunn	do	do
1353	George Monroe	do	do
1354	James M'Kay	do	do
1355	Thomas Clark	Township	of Blandford.
1356	Thomas Hervey	do	do
1357	John Bain	do	do
1358	William Hoak	Township	of Woodstock.
1359	Egra Luddington	Township	of Blandford.
1360	James Patterson		do
1361	Tracey Luddington	do	do
1362	Michael Overholt	do	do
1363	Angus Campbell	Township	of Woodstock.
1364	Donald Murray	do	do
1365	Wm. S. Dale	Township	of Blandford.
1366	Benjamin Vanorman	Township	of Dereham.
1367	Adam Trip	do	do
1368	Alvin Hill	do	do
1369	Benjamin Hill	do	do
1370	James D. Harris	do	do
1371	William Harris	do	do
1372	John Graham	do	do
1373	Stephen Whitby	do	do
1374	Hason Sinkclear	do	do
1375	Francis Latra	do	do
1376	Peter Hayle	do	do
1377	Hiram Raney	do	do
1378	George Quatermass	do	do
1379	Isaac Hadcock	do	do
1380	George Smith	do	do
1381	Hiram Provorse	do	do
1382	Elyshabet Bodwelt	do	do
1383	George Tilson	do	do
1384	Ira Harris	do	do
1385	Ransom Lewis	do	do
1386	Stephen Harris	do	do
1387	William Dean	do	do
1388	Stephen York	do	do
1389	Daniel Smith	do	do

1390	Richard Collons	Township of	Dereham.
1391	Brinton P. Brown, jun.	do	do
1392	Timothy G. Brigham	do	do
1393	Abraham Hadcock	do	do
1394	Daniel Monk	do	do
1395	Warrin Harris	do	do
1396	Charles Tildon	do	do
1397	Thomas Russell	do	do
1398	George Levitt	do	do
1399	Geo. B. Tilson	do	do
1400	Samuel Doxey	do	do
1401	Jeremiah White	do	do
1402	John Greg	do	do
1403	George Mayhood	do	do
1404	John M'Nearn	Township of Oxford (North).	
1405	Enoch Burdich	do	do
1406	Christopher Carmes	do	do
1407	Jorden Charles	Township of Oxford (West).	
1408	William Hook	do	do
1409	Jacob Wood	do	do
1410	Jos. Ryan	do	do
1411	Jos. Dygert	do	do
1412	Isaac Dygert	do	do
1413	Jacob Topping	do	do
1414	John O'Neil	do	do
1415	Andrew Bodwell	do	do
1416	Thomas Carr	do	do
1417	Jos. Lawrence	do	do
1418	Walter B. Maybee	do	do
1419	David Curtis	do	do
1420	Charles Brink	do	do
1421	Henry Shell, sen.	do	do
1422	Peter Tuple, Esq.	do	do
1423	Piham Temple	do	do
1424	Sylvester Sage	do	do
1425	Willard Sage	do	do
1426	John Young, sen.	do	do
1427	Herman Jones	do	do
1428	Levi Burtch	do	do
1429	Daniel Leek	do	do
1430	Warren Coaty	do	do
1431	John Cummings	do	do
1432	Thomas T. Phillips	do	do
1433	Bleeker Thornton	do	do
1434	Herkimes Dygert	do	do
1435	Benajah Laurence	do	do
1436	Cromfort Sage	do	do
1437	Monsoon Cook	do	do
1438	Nicholas Taylor	do	do

1439	Daniel Taylor	Township of Oxford (West).	
1440	Calvin Haskin	do	do
1441	Sylvester Hill	do	do
1442	William Hill	do	do
1443	Frederick Teeple	do	do
1444	Allen Sage	do	do
1445	Earl Canfield	do	do
1446	Benjamin Thorton	do	do
1447	Charles Chandwick	do	do
1448	David Brink	do	do
1449	Stilson Hacket	do	do
1450	Hiram Bodwell	do	do
1451	Hull Curtis	do	do
1452	Ralph Land	do	do
1453	John Clarkson	do	do
1454	Elisha Hall	do	do
1455	William Niles	do	do
1456	Wm. M'Loud	do	do
1457	Enoch Jage	do	do
1458	James Murdoch	do	do
1459	Abraham Snellgrove	do	do
1460	Willard Eastwood	do	do
1461	Thos. Hall	do	do
1462	James Flood	do	do
1463	Walter Harris	do	do
1464	David Philips	do	do
1465	William Cook	do	do
1466	M. L. Green	do	do
1467	Sylvenus W. Dygert	do	do
1468	William Tripp	do	do
1469	Scatchard, J.P.	Township of Nissouri.	
1470	James Patterson	Oxford, northern division.	
1471	Eliakim Malcolm	Township of Oakland.	
1472	Isaac B. Malcolm	do	do
1473	David Kipp	Township of Oxford, (East.)	
1474	Thos. Pool	Township of Dereham.	
1475	Brinton P. Brown, sen.	do	do

(Signed,)

R. RIDDELL.

Mr. Speaker then desired the Sergeant-at-Arms to lock the doors.¹

And the doors being locked accordingly, and the Order of the Day for taking the said Petition into consideration being read; the attestation of Mr. Speaker was taken from off the box, in which, agreeable to the statute, the names of all the Members of the House were sealed up, and the same was read by the Clerk, as follows:--

I attest that this box was, on Wednesday, the eighth day of January, 1845, made up in my presence, in the manner directed by an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, intituled, "An Act to repeal an Act passed in the forty-fifth year of His late Majesty's Reign, intituled, 'An Act to regulate the trial of controverted Elections, or returns of Members to serve in the House of Assembly,' and to make more effectual provision for such trials."

ALLAN N. MACNAB,
Speaker.

The box was then opened, and the attestation of the Clerk was taken out of the box, and read by him, as follows:--

I attest that I did, on Wednesday, the eighth day of January, 1845, in the presence of the Speaker of this House, put into a box, in which this attestation is found, the names of all the Members composing the present Legislative Assembly, written upon slips of parchment, and rolled up as directed by an Act passed in the fourth year of the Reign of His

(122)

late Majesty King George the Fourth, intituled, "An Act to repeal an Act passed in the forty-fifth year of His late Majesty's Reign, intituled, 'An Act to regulate the trial of controverted Elections, or returns of Members to serve in the House of Assembly,' and to make more effectual provision for such trials."

W. B. LINDSAY,
Clerk of Assembly.

The names of all the Members were taken out of the box, and put into three other boxes.

The drawing of the names was then commenced, in the usual manner, and the name of the Honourable Mr. Attorney General Smith, being called,

The Counsel for the Petitioner ((Mr. Richards)) objected to Mr. Smith's being named on the Committee, on the grounds that he was serving on another Election Committee.

There was an objection taken by MR. AYLWIN to the Council (sic) addressing the House.²

It was overruled by the Speaker ((SIR ALLAN MACNAB)), supported by the whole House.³

MR. RICHARDS ((Counsel for the Petitioner)) proceeded to refer to precedents, and read extracts from the Journals of the House of Commons to

shew the difference that was made between members actually serving on Committees, and those who had served In the case of a member's name being called who was serving, it was set aside exactly as the names of members whose seats are contested are set aside, but when a member had served that is when the Committee had reported he stated this fact and he was excused from serving. The precedents shewed most clearly that members serving on Committees were in all cases treated as other members disqualified from serving.⁴

(122)

The counsel was then directed to withdraw.

The Honorable Mr. Baldwin moved, seconded by Mr. Thompson, That the objection taken by the counsel for the Petitioner is valid.

A discussion of several hours took place with closed doors on Mr. Richards' objection.⁵

(122)

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Armstrong, Aylin, Baldwin, Bertrand, Boutillier, Cameron, Cauchon, Chabot, Chauveau, Christie, Desanvier, DeWitt, Drummond, Franchère, Jobin, LeBoutillier, Lacoste, LaFontaine, Larrier, Laurin, LeMoine, Leslie, Macdonald of GLENGARFF, Macdonell of STORMONT, Merritt, Méthot, Morin, Nelson, Powell, Price, Roblin, Rousseau, Taché, and Thompson--(34.)

NAYS.

Boulton, Brooks, Chalmers, Colville, Cummings, DeBleury, Dickson, Duggan, Dunlop, Ermatinger, Foster, Gowan, Grein, Guillet, Hale, Hall, Jessup, Johnston, Lawrason, Macdonald of CORNWALL, Macdonald of KINGSTON, Macdonell of DUNDAS, McConnell, Myers, Moffatt, Murray, Papineau, Petrie, Prince, Scott, Seymour, Sherwood of BROCKVILLE, Solicitor General Sherwood, Smith of WENTWORTH, Stewart of PRESCOTT, Watts, Webster, and Williams--(40.)

So it passed in the negative.

And the counsel being again called to the Bar, Mr. Speaker acquainted him therewith.

The drawing of the names was then proceeded in, and the following names were drawn, to which no objection was taken:--

1 Attorney General Smith,
 2 Scott,
 3 Jobin,
 4 Chauveau,
 5 Bertrand,
 6 Nelson,
 7 Colville,
 8 Lacoste,
 9 Murney,
 10 Meyers,
 11 DeWitt,
 12 McConnell,

13 Leslie,
 14 Lantier,
 15 Roblin,
 16 Chabot,
 17 Sherwood, of BROCKVILLE,
 18 Armstrong,
 19 Seymour,
 20 Dickson,
 21 Gowan,
 22 Thompson,
 23 Solicitor General Sherwood.

Fourteen other names were drawn and set aside, or excused, as follows:--

Eight against whom Petitions are pending.

Three who were sick.

One who was excused.

And two other names were also drawn of Members who were absent.

The Honourable Mr. Baldwin was chosen nominee for the Petitioner.

Mr. Smith of Frontenac, was chosen nominee for the Sitting Member.

Oxford con-
tested Election.

At ten minutes to seven o'clock, P.M., the parties, with Alfred Patrick, Esquire, Clerk to the Select Committee, retired for the purpose of striking the said Committee.

At half-past seven o'clock, P.M., the Clerk of the Select Committee delivered to the Clerk of the House, a list containing the names of the nine members unstruck, composing the Select Committee, which is as follows:--

1 Chauveau,
 2 Bertrand,
 3 Lacoste,
 4 McConnell,
 5 Lantier,

6 Roblin,
 7 Sherwood, of BROCKVILLE,
 8 Seymour,
 9 Dickson.

Nominee for the Petitioner, the Honourable Mr. Baldwin.

Nominee for the Sitting Member, Mr. Smith, of Frontenac.

ALFRED PATRICK,
Clerk to the Committee.

The said nine Members and the nominees were then severally sworn at the table by the Clerk in the usual manner.

On motion of the Honourable Mr. Baldwin, seconded by Mr. Smith of Wentworth,

Ordered, That the Committee appointed to try the merits of the Petition of the Honourable Francis Hincks, of the city of Montreal, complaining of the undue election and return of Robert Riddell, Esquire, as a Member to represent the county of Oxford, do meet in the Committee Room No. 5, to-morrow, at two o'clock, P.M.

The doors being opened, the House adjourned for a short time.⁶

(123)

Grenville con-
tested Election.

The hour appointed for taking into consideration the Petition of William Harris and others, freeholders of the county of Grenville, in the district of Johnstown, complaining of the undue election and return of Hamilton D. Jessup, Esquire, as a Member to represent the said, county of Grenville in this present Parliament, being come,

The House proceeded to the appointment of a Select Committee to try and determine the merits of the said Petition.

The Sergeant-at-Arms was directed by Mr. Speaker to go with the Mace to the places adjacent, and require the attendance of the Members on the business of the House;

And he went accordingly.

And being returned, the House was called, and more than thirty members being present,

Mr. Speaker called upon the Petitioners, their counsel, or agent, to appear at the Bar.

W. B. Richards, Esquire, appeared at the Bar, as counsel for the Petitioners.

Mr. Speaker called upon the Sitting Member, his counsel, or agent, to appear.

Mr. Jessup, Sitting Member for the said county of Grenville, appeared in his place, on his own behalf.

Mr. Richards, counsel for the Petitioner, presented a List of Witnesses, in behalf of the Petitioners, which was read by the Clerk, as follows:--

LIST OF WITNESSES FOR PETITIONERS.

Felix Fortier, Esquire, Clerk of the Crown in Chancery, Montreal, to produce the Poll Books at the said Election, and Indenture of Return of the same, as also the Poll Books for the County of Carleton.

W. B. RICHARDS,
For Petitioners.

(123)

LIST OF WITNESSES IN BEHALF OF THE SITTING MEMBER.

William Bottum, Esquire; Truman Hurd, Robert Henshaw, Asa Clothier, Simon Fraser, Francis Jones, William Moses, Joseph Adams, Henry Burritt, Alexander McMillan, John Forrester, Alfred Hooker, Robert Headlem, John L. Read, Eleazer Whitmarsh, Elisha Collier, Denham Jones, Samuel P. Thomas.

(Signed,) H. D. JESSUP.

Mr. Speaker then desired the Sergeant-at-Arms to lock the doors.

And the doors being locked accordingly, and the Order of the Day for taking the said Petition into consideration, being read, the attestation of Mr. Speaker was taken from off the box, in which, agreeably to the statute, the names of all the Members of the House were sealed up, and the same was read by the Clerk, as follows:--

I attest, that this box was, on Wednesday, the eighth day of January, 1845, made up in my presence, in the manner directed by an Act passed in the fourth year of the Reign of His late Majesty King George the Fourth, intituled, "An Act to repeal an Act passed in the forty-fifth year of His late Majesty's Reign, intituled, 'An Act to regulate the Trial of Controverted Elections, or Returns of Members to serve in the House of Assembly,' and to make more effectual provision for such trials."

ALLAN N. MACNAB,
Speaker.

The box was then opened and the attestation of the Clerk was taken out of the box, and read by him, as follows:--

I attest, that I did, on Wednesday, the eighth day of January 1845, in presence of the Speaker of this House, put into a box in which this attestation is found, the names of all the Members composing the present Legislative Assembly, written upon slips of parchment, and rolled up as directed by an Act passed in the fourth year of the Reign of His late Majesty, King George the Fourth, intituled, "An Act to repeal an Act passed in the forty-fifth year of His late Majesty's Reign, intituled, 'An

Act to regulate the Trial of Controverted Elections, or Returns of Members to serve in the House of Assembly, ' and to make more effectual provision for such trials."

W. B. LINDSAY,
Clerk of Assembly.

The names of all the Members were taken out of the box, and put into three other boxes.

The drawing of the names were then proceeded in, in the usual manner, and the following names were drawn, to which no objection was taken:--

- | | |
|---------------------------------------|-----------------------------------|
| 1 <u>Chabot,</u> | 13 <u>Roblin,</u> |
| 2 <u>Stewart,</u> of PRESCOTT, | 14 <u>Lantier,</u> |
| 3 <u>Macdonald,</u> of GLENGARRY, | 15 <u>Petrie,</u> |
| 4 <u>Leslie,</u> | 16 <u>Dickson,</u> |
| 5 <u>Lacoste,</u> | 17 <u>Prince,</u> |
| 6 <u>Nelson,</u> | 18 <u>Thompson,</u> |
| 7 <u>Foster,</u> | 19 <u>Macdonald,</u> of KINGSTON, |
| 8 <u>Méthot,</u> | 20 <u>Papineau,</u> |
| 9 <u>Gowan,</u> | 21 <u>Jobin,</u> |
| 10 <u>Macdonell,</u> of DUNDAS, | 22 <u>Greive,</u> |
| 11 <u>Sherwood,</u> of BROCKVILLE, | 23 <u>Smith,</u> of WENTWORTH. |
| 12 <u>Solicitor General Sherwood,</u> | |

Eight other names were drawn and set aside, or excused, as follows:--

Five against whom Petitions are pending.

Three names were also drawn of Members who were absent.

Mr. Price was chosen nominee for the Petitioners.

Mr. Murney was chosen nominee for the Sitting Member.

At eight o'clock, P.M., the parties, with Mr. Alfred Todd, Clerk to the Select Committee, retired for the purpose of striking the said Committee.

At half-past eight o'clock, P.M., the Clerk of the Select Committee, delivered to the Clerk of the House, a list containing the names of the nine Members, unstruck, composing the Select Committee, which is as follows:--

- | | |
|-----------------------------------|-------------------|
| 1 <u>Macdonald,</u> of GLENGARRY, | 4 <u>Lantier,</u> |
| 2 <u>Méthot,</u> | 5 <u>Dickson,</u> |
| 3 <u>Macdonell,</u> of DUNDAS, | 6 <u>Prince,</u> |

- 7 Papineau,
 8 Greive,
 9 Smith, of WENTWORTH.

Nominee for the Petitioner, Mr. Price.

Nominee for the Sitting Member, Mr. Murney.

ALFRED TODD,
Clerk to Committee.

The said nine Members and the Nominees were then severally sworn at the table, by the Clerk, in the usual manner.

On motion of Mr. Price, seconded by Mr. Murney,

Ordered, That the Select Committee appointed to try the Petition of William Harris and others, freeholders of the county of Grenville, in the district of Johnstown, complaining of the undue election and return of Hamilton D. Jessup, Esquire, do meet in the Committee Room No. 6, tomorrow, at half-past nine o'clock, A.M.

Norfolk con- The hour appointed for taking into consideration
tested Election. the Petition of David Duncombe, Esquire, late a candidate for the county of Norfolk, and others, his supporters, complaining of the undue election and return of Israel Wood Powell, Esquire, as a member to represent the said county of Norfolk, in this present Parliament, being come,

The House proceeded to the appointment of a Select Committee, to try and determine the merits of the said Petition.

The Sergeant-at-Arms was directed by Mr. Speaker to go with the Mace to the places adjacent, and require the attendance of the Members on the business of the House.

And he went accordingly;

And being returned, the House was called, and more than thirty Members being present,

Mr. Speaker called upon the Petitioners, their counsel or agent, to appear at the bar.

Stephen John Walker, Esquire, appeared at the bar, as agent for the Petitioners.

Mr. Speaker called upon the Sitting Member, his counsel or agent, to

appear.

Mr. Powell, Sitting Member for the said county of Norfolk, appeared in his place, on his own behalf.

Mr. Walker, agent for the petitioners, presented a list of witnesses, in behalf of the petitioners, which was read by the Clerk, as follows:--

(124)

LIST OF WITNESSES ON THE PART OF THE PETITIONERS.

NAMES.	RESIDENCE.
Francis L. Walsh ...	Vittoria.
Titus Williams ...	Walsingham.
John A. Backhouse ...	do
John Smith ...	do
Wilson Montross ...	do
Nelson Montross ...	do
Felix Fortier ...	Montreal.

Mr. Powell handed in a list of witnesses required on behalf of himself, as the Sitting Member for the county of Norfolk, which was also read by the Clerk, as follows:--

LIST OF WITNESSES ON THE PART OF THE SITTING MEMBER.

NAMES.	RESIDENCE.
F. Fortier, Esq., Clerk of the Crown in Chancery.	
Francis L. Walsh, Returning Officer for	Norfolk.
Thomas W. Walsh Clerk.	
Moses W. White, Deputy Ret. Officer for	Houghton.
Henry Webster, do do	Townsend.
Jacob Potts, do do	Charlottetown.
Simpson M'Call, do do	Middleton.
Stephen J. Fuller, do do	Woodhouse.
D. W. Freeman, do do	Windham.
Titus Williams, do do	Walsingham.
Geo. W. Powell, Poll Clerk for	Windham.
Alex. Vance, do	Houghton.
Edward Matthews, do	Townsend.
John Tohuie, do	Charlottetown.
Thomas Jenkins, do	Middleton.
Robert Walker, do	Woodhouse.
Edward Dickinson, do	Walsingham.
Dr. John B. Crouse	Woodhouse.
James Walker	do

John Masecar
 Duncan M'Pherson
 Frederick Dresser
 Henry Anderson
 Sidney S. Bowlby
 James Brown, J.P.
 Nelson Eagles
 William M'Lellan
 Henry Wood
 James Seaton
 Edward Foster
 Henry Ellis
 William Franklin
 Isaac Brown
 William Raymond.
 William L. Dutcher.
 Sylvester Post.
 Daniel Schermerhorn, J.P.
 William Walker

Townsend.
 do
 Charlotteville.
 do
 Middleton.
 do
 do
 do
 Windham.
 Walsingham.
 do
 do
 do
 do
 Walsingham.
 Brantford.

Mr. Speaker then desired the Sergeant-at-Arms to lock the doors,

And the doors being locked accordingly, and the Order of the Day, for taking the said Petition into consideration being read, the attestation of Mr. Speaker was taken from off the box, in which agreeably to the statute, the names of all the Members of the House were sealed up, and the same was read by the Clerk, as follows:--

I attest, that this box was, on Thursday, the ninth day of January, 1845, made up in my presence, in the manner directed by an Act passed in the fourth year of the Reign of His late Majesty, King George the Fourth, intituled, "An Act to repeal an Act passed in the forty-fifth year of His late Majesty's Reign, intituled, 'An Act to regulate the Trial of Controverted Elections, or Returns of Members to serve in the House of Assembly,' and to make more effectual provision for such trials."

ALLAN N. MACNAB,
Speaker.

The box was then opened, and the attestation of the Clerk was taken out of the box, and read by him, as follows:--

I attest, that I did, on Thursday, the ninth day of January, 1845, in presence of the Speaker of this House, put into a box in which this attestation is found, the names of all the Members composing the Legislative Assembly, written upon slips of parchment, and rolled up, as directed by an Act passed in the fourth year of the Reign of His late Majesty, King George the Fourth, intituled, "An Act to repeal an Act passed in the forty-

fifth year of His late Majesty's Reign, intituled, 'An Act to regulate the Trial of Controverted Elections, or Returns of Members to serve in the House of Assembly,' and to make more effectual provision for such trials."

W. B. LINDSAY,
Clerk of Assembly.

The names of all the Members were taken out of the box and put into three other boxes.

The drawing of the names was then proceeded in, in the usual manner, and the following names were drawn to which no objection was taken:--

- | | |
|-----------------------------------|------------------------------------|
| 1 <u>Scott,</u> | 13 <u>Murney,</u> |
| 2 <u>Macdonald,</u> of GLENGARRY, | 14 <u>Johnston,</u> |
| 3 <u>Franchère,</u> | 15 <u>Seymour,</u> |
| 4 <u>Watts,</u> | 16 <u>Sherwood,</u> of BROCKVILLE, |
| 5 <u>Bertrand,</u> | 17 <u>Lavrason,</u> |
| 6 <u>Cummings,</u> | 18 <u>Hall,</u> |
| 7 <u>Petrie,</u> | 19 <u>Thompson,</u> |
| 8 <u>Williams,</u> | 20 <u>Dunlop,</u> |
| 9 <u>Papineau,</u> | 21 <u>Guillet,</u> |
| 10 <u>Chabot,</u> | 22 <u>Greive,</u> |
| 11 <u>LeMoine,</u> | 23 <u>Méthot.</u> |
| 12 <u>Lacoste,</u> | |

Thirteen other names were drawn, and set aside or excused, as follows:--

Ten against whom petitions are pending.

Three names were also drawn, of Members who were absent.

The Honourable Mr. Solicitor General Sherwood, was chosen Nominee for the Petitioners.

The Honourable Mr. Morin was chosen Nominee for the Sitting Member.

At nine o'clock, P.M., the parties with Alfred Patrick, Esquire, Clerk to the Select Committee, retired for the purpose of striking the said Committee.

At twenty minutes past nine o'clock, P.M., the Clerk to the Select Committee delivered to the Clerk of the House, a list containing the names of the nine Members unstruck, composing the Select Committee, which is as follows:--

- | | |
|--------------------|--------------------|
| 1 <u>Watts,</u> | 3 <u>Williams,</u> |
| 2 <u>Cummings,</u> | 4 <u>Papineau,</u> |

5 Chabot,
 6 Seymour,
 7 Sherwood, of BROCKVILLE,

8 Dunlop,
 9 Guillet.

Nominee for the Petitioners, the Honourable Mr. Solicitor General Sherwood,

Nominee for the Sitting Member, the Honourable Mr. Morin.

A. PATRICK,
Clerk of Committee.

The said nine Members and nominees were then severally sworn at the table by the Clerk, in the usual manner.

On motion of the Honourable Mr. Solicitor General Sherwood, seconded by the Honourable Mr. Morin,

(125)

Ordered, That the Committee appointed to try the Petition of David Duncombe, Esquire, late a candidate for the county of Norfolk, and others, his supporters, complaining of the undue election and return of Israel Wood Powell, Esquire, do meet in the Committee Room No. 2, to-morrow, at four o'clock, P.M.

Petitions
brought up.

The following Petitions were severally brought up and laid on the table:--

By the Honourable Mr. Morin, the Petition of Captain J. Morin and others, of the township of Armagh, in the county of Bellechasse; the Petition of T. G. Launière and others, of the parishes of St. Gervais and St. Luzare, in the county of Bellechasse; and the Petition of J. Gosselin and others, trustees and others, interested in the Academy of the parish of St. Gervais, in the county of Bellechasse.

By Mr. Lantier, the Petition of William Duckett and others, of the townships of Lancaster and New Longueuil; and the Petition of J. A. Mathison and others, of the parish of St. Michel de Vaudreuil.

By Mr. Lawrason, the Petition of Alexander Anderson and others, inhabitants of the town of London.

By the Honourable Mr. Daly, the Petition of James Nutbrown and others, of that part of Leeds which joins the seigniorie of St. Giles; and the Petition of the Reverend Charles E. Bélanger and others, of the township of Somerset, in the county of Megantic.

By Mr. Christie, the Petition of Pierre Doucet, of Quebec.

By Mr. Ermatinger, the Petition of Adolphus Williams, of the township of Malahide, in the district of London; and the Petition of Mark Burnham and others, members of the United Church of England and Ireland, in the village of St. Thomas and its vicinity, in the diocese of Toronto.

By Mr. Macdonald, of Cornwall, the Petition of Henry G. Thompson of the city of Montreal.

By Mr. Hall, the Petition of the Reverend Robert J. C. Taylor and others, members of the United Church of England and Ireland, in the town of Peterboro' and its vicinity, in the diocese of Toronto.

By Mr. Armstrong, the Petition of J. B. Lavigne and others, of the parish of La Visitation de l'Isle du Pads, in the county of Berthier; the Petition of the Reverend Antoine Pissette and others, of the parish of St. Guthbert, in the district of Montreal; the Petition of Octave Bordeleau and others, of the parish of Ste. Elizabeth, in the district of Montreal; and the Petition of Martin Dostaler and others, of the parish of Berthier, in the district of Montreal.

By Mr. Desautier, the Petition of Elie Faquin and others, of the parish of Ste. Ursule, in the county of St. Maurice.

By Mr. Cameron, the Petition of the Montreal Bible Society.

Petitions read.

Pursuant to the Order of the Day, the following Petitions were read:--

Of Morris C. Lutz, of the village of Galt, in the county of Halton, praying for an Act of naturalization.

Of the Reverend A. Atkinson and others, members of the United Church of England and Ireland, in St. Catharines and its vicinity, in the diocese of Toronto, praying for an Address to Her Majesty, recommending the passing of an Act to assign to the said Church, such proportion of the Clergy Reserve Lands as shall correspond with her share of the funds arising from the same; and to authorize the Church Society of the diocese of Toronto, to propose a system for the future management of their portion of the said Lands.

Of Simon Valois and others, of that part of the parish of Montreal, commonly called Roseclara; praying that the northern boundary of the city of Montreal may not be extended beyond its present limits.

Of E. Meyers and others, members of the United Church of England and Ireland, at the Cumyng Place and its vicinity, in the diocese of Toronto, praying for an Address to Her Majesty, recommending the passing of an Act to assign to the said Church, such proportion of the Clergy Reserve Lands

as shall correspond with her share of the funds arising from the same; and to authorize the Church Society of the diocese of Toronto, to propose a system for the future management of their portion of the said Lands.

Of William Langril and others, of Upper Canada, praying that the existing usury laws may be amended.

Of William G. Edmundson, of the township of Whitchurch, in the Home district, praying for encouragement and support in his efforts to advance the Agricultural interests of the Province.

Of Thomas W. Marsh and others, members of the United Church of England and Ireland, in the township of Oxford, and parts adjacent, in the diocese of Toronto, praying for an Address to Her Majesty, recommending the passing of an Act to assign to the said Church, such proportion of the Clergy Reserve Lands as shall correspond with her share of the funds arising from the same, and to authorize the Church Society of the diocese of Toronto to propose a system for the future management of their portion of the said Lands.

Of William Wood and others, of the townships of Cornwall and Osnabruck, in the Eastern district, praying to be indemnified for losses sustained by them in consequence of the construction of the Cornwall canal.

Of the Montreal Board of Trade, praying that the duty, authority, and trusts, of the Harbour Commissioners of Montreal, may not be transferred to the Corporation of the city.

Of the Montreal Board of Trade, praying that the responsibility of the Quebec Forwarding Company may not be limited, as proposed by the sixth clause of the Bill incorporating them, now before the House.

Of the Natural History Society of Montreal, praying for an aid in support of the said Institution.

Of R. W. Branan and others, of Caradoc and other townships, in the London district, praying for a grant to make a road from near Delaware to the northeast corner of Brock.

Of J. M'Donald and others, of the county of Stormont, in the Eastern district, praying to be exempted from the payment of duty on certain articles of Canadian growth, manufactured in and imported from the United States.

Petitions
referred.
H. B. Bostwick.

Resolved, That the Petition of Henry B. Bostwick,
of the village of Port Stanley, in the district
of London, be referred to a Select Committee,

composed of Mr. Ermatinger, Mr. Cummings, Mr. Merritt, Mr. Thompson, and Mr. Lawrason, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers and records.

(126)

N. M'Kinnon
and E. Wallace.

Ordered, That the Petition of N. M'Kinnon and William F. Wallace, on behalf of the inhabitants of Bayham and the adjoining townships, in the district of London, be referred to the said Committee.

A. J. Ewers.

C. B. Griffin.

Henry Ort.

Ordered, That the Petition of Alonzo J. Ewers, of the township of Crowland, in the district of Niagara; the Petition of Cornelius B. Griffin, of the township of Stamford, in the district of Niagara; and the Petition of Henry Ort, of the township of Willoughby, in the district of Niagara, be severally referred to the Select Committee to which was referred the Bill to revise and continue, for a limited time, part of the fourth clause of an Act, passed in the fourth and fifth years of the Reign of Her Majesty Queen Victoria, intituled, "An Act to secure to and confer upon certain inhabitants of this Province, the Civil and Political Rights of natural born British subjects."

E. Meyers
and others.

Ordered, That the Petition of E. Meyers and others, members of the United Church of England and Ireland, at the Carrying Place and its vicinity, in the diocese of Toronto, be referred to the Select Committee to which was referred the Petition of the Church Society of the diocese of Toronto, and other references.

R. Brown
and others.

Resolved, That the Petition of Richard Brown and others, of the county of Haldimand, be referred to a Select Committee, composed of Mr. Thompson, Mr. Powell, Mr. Merritt, Mr. Carleton and Mr. Prince, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers and records.

Montreal
Board of Trade.

Ordered, That the Petition of the Montreal Board of Trade, against the limitation of the liabilities of the shareholders in the Quebec Forwarding Company, be referred to the Standing Committee on Private Bills.

Report on the
Petition of W.
B. Lindsay,
junior.

Mr. Boutillier, from the Special Committee to which was referred the Petition of W. B. Lindsay, junior, of the city of Montreal, and other references, presented to the House the Report of the said Committee, which was again read at the Clerk's

table, and is as followeth:--

REPORT.

The Special Committee to which were referred the Petitions of W. B. Lindsay, junior, and of Honoré Tanqueray and the letter of G. W. Wicksteed, Esquire, Law Clerk and English Translator of your Honourable House, have agreed upon the following Report:--

W. B. Lindsay, junior, prays by his Petition that your Honourable House will be pleased to sanction his nomination as Assistant French Translator, having been appointed as such, in August last, by his Father, W. B. Lindsay, Esquire, senior, Clerk of your Honourable House.

Mr. Wicksteed prays in his letter that he may be allowed an Assistant in the fulfilment of the duties of his Office.

Your Committee have examined these requests; and in order to meet the objects for which your Committee were appointed, they have examined witnesses and enquired into the duties to be fulfilled in the offices of the French Translator, English Translator, and Law Clerk. The witnesses examined are Mr. Lindsay, Clerk of your Honourable House, Mr. Voyer, French Translator, and Mr. Wicksteed, who fulfills, at the same time, the duties of Law Clerk and English Translator.

The Salary of Mr. Voyer, as French Translator, is £250 per annum;-- up to the first of August last, his Assistant was Mr. Garneau, who received an annual fixed Salary of £200. Mr. Garneau had been appointed to that situation by your Honourable House in the last Parliament. He resigned his office about the first of August last. On his resignation, Mr. Lindsay believing himself to be authorized by virtue of his Commission and Letters Patent, as Clerk, to nominate his Deputies, appointed his son, W. B. Lindsay, junior, Assistant French Translator; and although Mr. Lindsay claims the right of nominating all his Deputies himself, he has, nevertheless, declared that he had only appointed his son, subject to the approval of your Honourable House.

Your Committee take the opportunity of expressing their conviction that this right, as claimed by the Clerk, cannot be acknowledged by your Honourable House, who in fact, in the last Parliament, repudiated any claim of this nature, by appointing Mr. Garneau to this very office of Assistant French Translator, and by making several other appointments in this House.

Your Committee cannot therefore recommend that the prayer of W. B. Lindsay, junr., be granted.

It appears from the evidence taken before your Committee, that the work increases considerably every Session in the office of the French

Translator, and that during the last Session and up to the first day of the present one, a sum of £302 14s 9½d., was paid for extra assistance, making together with that of £200, the fixed Salary of the Assistant French Translator, the sum of £502 14s. 9½d., beside the fixed salary of £200, received by the Chief Translator. Notwithstanding, however, the exertions of those who were employed in that office, the translations were considerably delayed, as it was not possible to deliver to the Members of the Legislature, the Journals, Appendix, &c., of last Session, until the beginning of the present one. To remedy these evils, your Committee have determined to recommend that three Assistant French Translators be appointed, on a permanent footing, with an injunction to work as well during the Recess as during the Session. Their duties will comprise translation and the correcting of proofs. These Assistants should be placed on a fixed salary of £200 per annum, each; which in the opinion of your Committee, would be a saving, as the services of the Assistants would ensure a more prompt and efficient fulfilment of the duties of that office.

With reference to Mr. Wicksteed, your Committee earnestly acknowledge the justice of his claim; they are therefore of opinion that he should be allowed an assistant in the department of the English Translation. Your Committee must also add that an Assistant Law Clerk will soon be found necessary; but as Mr. Wicksteed has only requested that one Assistant should be appointed for the present, your Committee in suggesting the expediency of granting his request, are of opinion that the Assistant Translator who will be appointed ought to be obliged, under the direction of Mr. Wicksteed, to assist him in the fulfilment of his duties as Law Clerk. A salary of £200 currency, should be attached to this situation of Assistant English Translator, and he will, as well as the Assistant French Translator, be obliged to fulfil the duties of his department during the Recess as well as during the Session.

From the facts which have come to the knowledge of your Committee, they beg leave to recommend the following persons:--

1. Louis Giard, of the Parish of St. Pie, Esquire, as first Assistant French Translator.
2. J.J. Phelan, of the City of Montreal, Esquire,--as second Assistant French Translator.
3. Honoré Tanguay, of the City of Quebec, Gentleman,--as their Assistant French Translator, and
4. W.B. Lindsay, junior, of the City of Montreal, Gentleman,--as Assistant English Translator,--with an injunction to assist the Law Clerk in the fulfilment of the duties of his office, in the manner herein recommended.

Before concluding this Report, your Committee must express their conviction that the adoption of the arrangements herein suggested will place the two departments on a more efficient footing than that which has existed

(127)

up to this day; and your Committee remark with satisfaction, that the Committee on Printing and Binding have made a similar recommendation in their second Report.

The whole nevertheless humbly submitted.

T. BOUTILLIER,
Chairman.

10th January, 1845.

M I N U T E S O F E V I D E N C E .

THOMAS BOUTILLIER, Esquire, in the Chair.

TUESDAY, 10th December, 1844.

W. B. Lindsay, Esquire, Clerk of the House, called in, and examined:--

1. Who held the office of Assistant French Translator during the last Session?--Mr. Garneau.

2. By whom, and in what manner had he been appointed?--He had been recommended by a Committee of the House, and approved of by the House. No Commission was issued to him. He was appointed during the last Parliament.

3. How long is it since he has given up that situation?--Since the 1st August last.

4. Has the situation been vacant ever since?--On the 1st August Mr. Voyer stated to me that he required an Assistant, and I took on myself to appoint my son, subject however to the approval of the House.

5. By virtue of what authority did you so appoint him?--In virtue of my Commission and the Letters Patent contained therein.

6. Is there any precedent for the appointment by the Clerk of the House of any Translator or Assistant Translator?--I am not aware of any

precedent; but I think the Clerk by his Commission has the right of appointing all under him.

7. Whenever any appointments have been made by the Clerk, pursuant to the supposed power vested in him by his Commission, have not such appointments been subject to the ratification of the House?--The appointment of the Assistant Clerk has always been subject to such approval. In 1808, I received a deputation from my father (then Clerk of the House) to act as copying Clerk, and to attend Committees; and in 1828 another deputation as Deputy Clerk; the latter appointment only was approved of by the House. I think that by virtue of my Letters Patent appointing me Clerk of the House, I have the sole right to appoint my deputies, being responsible as to their capacity.

(Mr. Lindsay laid before the Committee the original deputation granted him by the Clerk of the Assembly of Lower Canada in 1808, as Copying Clerk and to attend Committees; also, a deputation, in 1828, as Deputy Clerk of the House,--also the Commission appointing him Clerk of the Assembly of Lower Canada, in 1830,--and the Commission appointing him Clerk of the Legislative Assembly of Canada, after the Union of the Provinces in 1841.)

THURSDAY, 12th December, 1844.

W. B. Lindsay, Esquire, again called in, and examined:--

8. Who is the French Translator, and what is the number of his Assistants?--The Chief French Translator, is Mr. Henri Yvan; at present he has no Assistants, but I have been under the necessity, in order to assist him, of employing Mr. Flavien Vallier, Mr. Bachelon, and my son, during a limited period, and further assistance, in order to accelerate the French business of the House. Mr. Vallier was employed during the whole of last Recess, and Mr. Bachelon remained at Kingston, to complete the examination of the proofs of the French Journal.

9. Is there not a great amount of work done in the French Translator's office?--Yes; it increases from Session to Session!

10. Are the Bills introduced in the House so generally presented in French by the Member as to obviate the necessity of translating them?--They are not given in French. The Session before last the Translators were sent for beforehand, so as to translate before the Session the measures of Government.

11. Must all Bills introduced be translated into the French language before their second reading?--It has not been done hitherto, except when asked for by a Member of the House; but it is always liable to be so asked for.

12. In what proportion are the Petitions presented to the House in English and in French, and must the English Petitions be translated, or merely an analysis of them?--A very large proportion is in English, and a summary thereof is translated into French.

13. How long is it since the French Journals of the last Session have been published?--They have just arrived from the Printing office, at Kingston, with the exception of the first volume of the Appendix.

14. What is the amount of the sums paid to Mr. Voyer and those who assisted him, from the commencement of the last to the first day of the present Session?--The sum of £302 14s. 9½d. has been paid for assistance in French Translations, besides the salary of Mr. Voyer, £250, which is paid by warrant, and also that of Mr. Garneau as Assistant French Translator, who was paid to 31st July, at the rate of £200 per annum.

15. Do you think that three Assistants, at fixed salaries, and with obligation to work as much during the Recess as during the Session, would be too much?--I do not.

16. Are not the documents presented to the House on the part of the different Government Departments, generally in the English Language?--Yes.

MONDAY, 16th December, 1844.

Henri Voyer, Esquire, French Translator, called in, and examined:--

17. How long have you been French Translator?--Since the Union of the Canadas.

18. Does the work in your office increase?--The translations are increasing very considerably, and have increased to a great extent since the Union, and will continue to increase from Session to Session.

19. Have the French Journals and Appendix of the last Session been printed, and if so, how long since?--The Journal and second volume of the Appendix are now printed, and have been distributed to Members a few days since. The first volume of Appendix, I believe, is also printed, but has not yet been sent down from Kingston.

20. When were the French translations of the last Session completed?--At the end of September last.

21. Had you any Assistants during the last Session and the Recess?--Mr. Garneau was my Assistant up to 1st August, he was appointed by the House; and I had extra assistance from Mr. W. B. Lindsay, junior, and also from Messrs. Vallerand and Batchelor.

22. Would it not tend more to expedite the work, if a certain number of Assistants were appointed, on a permanent footing, with an injunction to work as well during the Recess as during the Session?--Yes.

23. What number of assistants would be required?--I think three would be sufficient for the translations, and for the correction of all the French proofs.

(128)

24. Was the printing retarded by the translations not being ready?--Several times, notwithstanding my utmost exertions.

THURSDAY, 9th January, 1845.

Gustavus W. Wicksteed, Esquire, Law Clerk and English Translator, called in, and examined:--

25. As the Committee see by your letter that you act in the double capacity of Law Clerk and English Translator, do you think that separate Assistants in each department would be useful in the service of the House?--It would be useful, but I do not consider it necessary; I would prefer to have one who would be competent for both departments, as a permanent Assistant, and to be empowered, on pressing occasions, to employ, for a limited time, one or two young men, as assistant translators.

Ordered, That two hundred copies of the said Report be printed in each of the English and French languages, for the use of the Members of this House.⁷

Ordered, That said Report be taken into consideration on Monday, the twentieth instant.

Report on the
Petition of
the Revd. L.
M. Brassard.

Mr. Lacoste, from the Select Committee to which was referred the Petition of the Reverend Lewis M. Brassard, Curé of the parish of St. Antoine de Longueuil, in the county of Chambly, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee are of opinion that the prayer of the Petitioner, for an Act of Incorporation in favour of certain religious ladies conducting an Institution for the education of young females in the parish of St. Antoine de Longueuil, in the county of Chambly, should be granted, with the exception that the annual income thereof should not exceed two thousand pounds, instead of four thousand pounds.

Bill to incor-
porate for Edu-
cational purposes.

Ordered, That Mr. Lacoste have leave to bring in a Bill to incorporate "La Communauté des Soeurs des Saints noms de Jésus et Marie," of the parish

of St. Antoine de Longueuil, in the district of Montreal, for the purposes of education.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Tuesday, the twenty-first instant.

Report on the
Petition of
Col. Light.

Mr. Riddell, from the Select Committee to which was referred the petition of Colonel A. W. Light, late Lieutenant Colonel of Her Majesty's twenty-fifth Regiment of Foot, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee beg to report, that, in consequence of the Petitioner having omitted to give sufficient notice to other parties interested, they have been precluded from entering into the consideration of the merits of the case, submitted to them.

On motion of Mr. Thompson, seconded by Mr. DeWitt,

Bank Returns.

Ordered, That the officers connected with the several chartered Banks and Insurance offices of the Province, be respectively directed to lay before this House, the statement of the affairs of the said Banks and Insurance offices, as required by the Acts of Incorporation.

The Sol. General ((MR. H. SHERWOOD)) moved for leave to introduce a bill to appoint a Reporter to the Court of Chancery. In explanation, he stated that the Reporter is to be paid, not out of the Provincial Revenue, but from a tax on the profession.⁸

Reporter, Court
of Chancery.

(128)
Ordered, That the Honourable Mr. Solicitor General Sherwood have leave to bring in a Bill to authorize the appointment of a Reporter in the Court of Chancery.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Monday, the twentieth instant.

MR. HALE moved for leave to introduce a bill to extend the provisions of an "Act to provide for the support of Police officers," to the Town of Sherbrooke. And to explain the jurisdiction of the Quarter sessions of the District of St. Francis.⁹

MR. AYLWIN wished the hon. member would give some explanation of his motion, for his part, he knew nothing about it, although a good deal

acquainted with the state of the Police force in the Town of Sherbrooke. It was very improper for a member to come forward and bring in a bill without making known his intentions.¹⁰

MR. HALE was ready to give any explanation in his power on the subject. It was a matter of no importance, and on which he thought there could be no debate.¹¹

MR. AYLWIN -- I don't know that.¹²

((MR. HALE resumed:)) But if any member expressed a wish for delay, he should be most happy to accede to it. The first part of the bill, was to extend the provisions of an act for the support of Police officers to the Town of Sherbrooke. Those provisions being already in existence in Montreal, Quebec, and Three Rivers. The second part refers to the jurisdiction of Courts of Quarter Sessions of the Peace. A doubt existed in the minds of some legal persons, that the District Courts at the General Sessions had the same powers as the Court of Quarter Sessions, and he merely wished to remove that doubt.¹³

MR. AYLWIN hoped after what he had heard that the hon. gentleman would not press his motion. He found that it must be abated.¹⁴

MR. HALE rose to withdraw the motion immediately.¹⁵

((He)) was prevented by MR. CHRISTIE, who remarked rather severely on the objection taken to the motion.¹⁶

(128)

Sherbrooke
Peace Officers.

Ordered, That Mr. Hale have leave to bring in a Bill to extend to the town of Sherbrooke, the provisions of a certain Ordinance therein mentioned, relating to the appointment of Peace officers and Constables; and also to explain the Jurisdiction of the General Sessions of the Peace for the district of St. Francis.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Monday, the twentieth instant.

MR. AYLWIN ... ((said)) it was an unparliamentary mode of putting down discussion.¹⁷

MR. ((HENRY)) SMITH of Frontenac, then rose to order having overheard Mr. Aylwin.... Such language should not be tolerated.¹⁸

(128)

Petition of J.G.
Tourangeau.

Ordered, That the Honourable Mr. Aylwin be added to the Select Committee, to which was referred

the Petition of J. G. Tourangeau and others, inhabitants of the city of Quebec and its vicinity, and other references.

*Petition of
F. Valois
and others.*

ishes, and other references.

Ordered, That Mr. Franchère and Mr. Lacoste, be added to the Select Committee, to which was referred the Petition of M. F. Valois and others, inhabitants of Lachine and other par-

*Taxes on Lands,
District of
Wellington.*

The Honourable Mr. Solicitor General Sherwood, from the Committee of the whole House, on the Bill to provide more effectually for the collection of certain arrears of taxes on lands, in the district of Wellington, reported according to order, that the Committee had gone through the Bill, and had made an amendment thereto, which amendment was again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

*Management
of Customs.*

The Order of the Day for the House in Committee to consider the expediency of repealing certain Acts and Ordinances, relative to the management and regulation of the Provincial Customs, and to duties of Customs, and other duties imposed by Provincial Acts; and to the licensing of tavern keepers, and venders of spirituous and other liquors, auctioneers, distillers, hawkers, and pedlars, and keepers of billiard tables for hire, with a view to the substitution of other enactments, for the purposes aforesaid respectively, being read.

The House accordingly resolved itself into the said Committee.

Mr. Drummond took the chair of the Committee,¹⁹

((MR. J. SMITH)) stated, that his object is to repeal several of the duties at present levied on exciseable articles, in order to substitute others in their stead, and to consolidate all the laws which are at present scattered over the statute book. He then moved that it was expedient to repeal the existing revenue laws.²⁰

The Committee ... agreed in the resolutions.²¹

L'hon. M. AYLWIN exprima sa surprise de ce que l'hon. et savant procureur général n'avait appuyé sa proposition d'aucun commentaire quelconque, que la mesure était pourtant de la plus haute importance et tel (sic) qu'en Angleterre on verrait le lord chancelier de l'Echiquier, en la soumettant, l'expliquer et donner ses raisons pour la justifier; que lui M. A. n'avait aucun désir quelconque de gêner les procédés de M. le ministre vis-à-vis, mais sa mesure propose le révocation de certaines lois,

et il en faudrait donner les raisons.²²

M. ((J.)) SMITH explique qu'elles sont éparpillées et que c'est pour les réunir dans une seule qu'il soumet sa mesure.²³

M. MOFFATT appuya M. Aylwin et dit qu'en effet la pratique voulait qu'on s'expliquât en proposant des mesures de cette nature.²⁴

(128)

and after some time spend therein, Mr. Speaker resumed the chair,

And Mr. Drummond reported that the Committee had come to a resolution; which resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That it is expedient to repeal the several Acts and Ordinances, relative to the management and regulation of the Provincial Customs, and to duties of Customs imposed by Provincial Acts, and to the licensing of tavern keepers, and venders of spirituous and other liquors, auctioneers, distillers, hawkers, and pedlars, and to keepers of billiard tables for hire, with a view to the substitution of other enactments, for the purposes aforesaid, respectively.

Ordered, That the Honourable Mr. Attorney General Smith have leave to bring in a Bill, to repeal the Acts, Ordinances, and provisions of law therein mentioned, relative to the management and regulation of the Provincial Customs, and to duties of Customs and other duties

(129)

imposed by Provincial laws, and to the licensing of tavern keepers and venders of spirituous and other liquors, auctioneers, distillers, hawkers, and pedlars, and keepers of billiard tables.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Tuesday, the twenty-first instant.

Ordered, That the Honourable Mr. Attorney General Smith have leave to bring in a Bill to provide for the management of the Customs, and of matters relative to the collection of the Provincial revenue.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Tuesday, the twenty-first instant.

Duty on Tavern
Licenses.

Ordered, That the Honourable Mr. Attorney General Smith have leave to bring in a Bill to impose a duty on persons selling spirituous or fermented

liquors, or keeping houses or places of public entertainment, and to provide for the collection of the said duty, and for the regulation of such persons.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday, the twenty-first instant.

Hawkers and
Pedlars.

Ordered, That the Honourable Mr. Attorney General Smith have leave to bring in a Bill to impose duties on hawkers and petty chapmen, and on persons keeping billiard tables for profit, and to provide for the collection of the said duties.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday, the twenty-first instant.

Auctioneers'
Duty.

Ordered, That the Honourable Mr. Attorney General Smith have leave to bring in a Bill to impose a duty on auctioneers, and on goods sold by auction, and to provide for the collection thereof.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday, the twenty-first instant.

Duty on Bank
Notes.

Ordered, That the Honourable Mr. Attorney General Smith have leave to bring in a Bill for granting a duty on bank notes, issued and in circulation in this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday, the twenty-first instant.

Ordered, That the remaining Orders for this day and for to-morrow, be postponed until Monday next, and that they stand in the order they now are, and be the first Orders for that day.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor General--

Losses by the
Parish of St.
Eustache.

Return to an Address from the Legislative Assembly to His Excellency, the Governor General, dated the 18th ult., praying that His Excellency would be pleased to order the proper officer to lay before

the House, a Statement of the amount of loss suffered by the parish of St. Eustache, in the loss of their convent and church, during the troubles of 1837.

Extract from the Third Report of the Commissioners of Indemnification, appointed under the Ordinance of the 1st Victoria, cap. 8.

Claim No 190.--Fabrique of St. Eustache.

"The Church, Convent and Presbytère, with other buildings, were estimated by the Surveyor of the Commission, at £5624 14s. 1d."

Also,

Montreal Toll-bar Roads.

Return to an Address of the House of Assembly to His Excellency, the Governor General, bearing date the 12th of December, 1844, and praying that His Excellency would be pleased to lay before the House, a detailed Account of all sums of money received and expended by the trustees of the toll bar roads at Montreal, by virtue of the Ordinance to provide for the improvement of certain roads in the vicinity of the city of Montreal, and leading thereto; and also detailed Statements of all transactions of the said trustees, by virtue of the same authority, since the date of the Statements and Accounts submitted to the House at the last Session of the last Parliament.

(For the said Return, see Appendix N.)

North Riding
Lincoln, con-
tested Election.

The Honourable Mr. Attorney General Smith, one of the members of the Select Committee appointed to try the merits of the Petition of Samuel Wood and others, electors of the North Riding of the county of Lincoln, complaining of the undue election and return of William Hamilton Merritt, Esquire, sitting member for the said county, reported to the House that the Committee met this day according to appointment, but could not proceed to business in consequence of the absence of John McConnell, Esquire, a member of the said Committee.

Then, on motion of Mr. Johnston, seconded by Mr. Christie,

The House adjourned until Monday next.

APPENDIX, FRIDAY, 10 JANUARY 1845.

((NOTICE OF PROPOSED MOTIONS.))

MR. AYLWIN donne avis d'une motion pour qu'une humble adresse soit présentée au gouverneur général, le priant de soumettre à la Chambre copies de tous les documents relatifs à la seigneurie de Beauharnois, les droits qui y sont imposés et qu'elle (sic) somme d'argent la Couronne en a reçu (sic).²⁵

MR. CAMERON will, on Friday, the 17th instant, make a motion to defray the expenses of Mr. Lemoine, Returning Officer for Beauharnois.²⁶

MR. LAURIN will move for leave to introduce a bill, on the 13th instant, to put the notarial body on a different footing from that which they occupy at present.²⁷

((QUESTION AND ANSWER RE: KING'S COLLEGE.))

MR. PRICE ...((asked)) when the information demanded relative to King's College would be had before the House²⁸.

The Attorney-Gen. ((MR. J. SMITH)) stated that the information sought for was not yet received from Toronto.²⁹

FOOTNOTES - 10 JANUARY 1845.

1. The MONTREAL GAZETTE, 11 January 1845, reported that: "The discussion was conducted with closed doors, but the sounds which transpired into the lobbies indicated a very excited debate, in which the unmistakable "Hear! hear!" and peculiar laugh of one honourable and learned member were particularly noticeable. The debate continued until after seven o'clock." The KINGSTON NEWS, 16 January 1845, reported: "It was also attempted to set aside that rule of the House which prevents a petitioner in one contested election from sitting on another - but the motion was not pressed." According to MONTREAL GAZETTE, 11 January 1845, this course of proceeding was "generally regarded as an error by the supporters of the Government." Most newspapers dealt with this matter by reprinting the official report of the proceedings and noting that the doors had been closed.
2. The debate on this matter was reported by: PILOT, 13 January 1845, whose account was copied by BROCKVILLE RECORDER, 16 January 1845.
3. PILOT, 13 January 1845.
4. IBID.
5. IBID.
6. MONTREAL GAZETTE, 11 January 1845.
7. This was done at the request of Messrs. Sherwood and Moffatt, according to LA MINERVE, 13 January 1845.
8. BROCKVILLE RECORDER, 23 January 1845, copied from the MONTREAL TIMES.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. The debate on this matter was reported by: BROCKVILLE RECORDER, 23 January 1845, whose report was copied from the MONTREAL TIMES; and LA MINERVE, 13 January 1845.
20. BROCKVILLE RECORDER, 23 January 1845, copied from MONTREAL TIMES.
21. IBID.
22. LA MINERVE, 13 January 1845.
23. IBID.
24. IBID.
25. L'AUREOLE, 14 January 1845. This notice was also reported by: LA MINERVE, 13 January 1845; and BROCKVILLE RECORDER, 23 January 1845, copied from MONTREAL TIMES.
26. BROCKVILLE RECORDER, 23 January 1845, copied from MONTREAL TIMES.
27. IBID.
28. IBID.
29. IBID.

MONDAY, 13 JANUARY 1845.

(129)

County of
Lanark con-
tested Election.

THE hour appointed for taking into consideration the Petition of Alexander Fraser, Esquire, late a candidate for the county of Lanark at the last election; the Petition of William Duncan and others, freeholders of the county of Lanark; and the Petition of W. A. Playfair, senior, and others, freeholders of the county of Lanark, severally complaining of the undue election and return of Malcolm Cameron, Esquire, to represent the county of Lanark in this present Parliament, being come,

The House proceeded to the appointment of a Select Committee to try and determine the merits of the said Petitions.

The Sergeant-at-Arms was directed by Mr. Speaker to go with the Mace to the places adjacent, and require the attendance of the Members on the business of the House.

And he went accordingly,

And being returned, the House was called, and more than thirty Members being present,

(130)

Mr. Speaker called upon the Petitioners, their counsel or agent, to appear at the Bar.

Alexander Fraser, Esquire, appeared at the Bar in behalf of himself and the other Petitioners.

Mr. Speaker called upon the Sitting Member, his counsel or agent, to appear.

Mr. Cameron, Sitting Member for the said county of Lanark, appeared in his place on his own behalf.

Alexander Fraser, Esquire, presented, in behalf of himself and the other Petitioners, a list of witnesses in the case of the Petition of Alexander Fraser, Esquire; the Petition of William Duncan and others; and the Petition of W. A. Playfair, senior, and others, freeholders of the county of Lanark, which was read by the Clerk as follows:--

LIST OF WITNESSES ON BEHALF OF THE
PETITIONERS.

NAMES.	RESIDENCE.
Alex. M'Millan, Esquire,	Perth.

A. W. Playfair, Esquire,
 Dugald F. M'Laren,
 James Jordan,
 Felix Fortier,
 William Duncan,
 Robert Moffatt,
 John Bennie,
 Robert Bell,
 M'Laren,
 John M'Intyre,
 Armstrong,

Bathurst.
 Ross.
 Westmeath.
 Montreal.
 Elmsley.
 Perth.
 Ramsay.
 Beckwith.
 Lanark.
 Dalhousie.
 South Sherbrooke.

A. FRASER.

Mr. Cameron handed in a list of witnesses required in behalf of himself, as the Sitting Member for the county of Lanark, which was read by the Clerk as follows:--

LIST OF WITNESSES ON BEHALF OF THE
 SITTING MEMBER.

R. A. Tucker, Esquire, Provincial Registrar.
 A. M'Millan, Esquire, Registrar, County of Lanark.
 W. B. Richards, Esquire.

Mr. Speaker then desired the Sergeant-at-Arms to lock the doors;

And the doors being locked accordingly, and the Order of the Day for taking the said Petitions into consideration being read, the Attestation of the Speaker was taken from off the box in which, agreeably to the Statute, the names of all the Members of the House were sealed up, and the same was read by the Clerk as follows:--

I attest, that this box was, on Thursday, the ninth day of January, 1845, made up in my presence, in the manner directed by an Act passed in the fourth year of the Reign of His late Majesty King George the Fourth, intituled, "An Act to repeal an Act passed in the forty-fifth year of His late Majesty's Reign, intituled, 'An Act to regulate the Trial of Controverted Elections or Returns of Members to serve in this House of Assembly,' and to make more effectual provisions for such trials."

ALLAN N. MACNAB,
Speaker.

The box was then opened, and the attestation of the Clerk was taken out of the box, and read by him, as follows:--

I attest, that I did, on Thursday, the ninth day of January, 1845, in presence of the Speaker of this House, put into a box in which this

attestation is found, the names of all the Members composing the present Legislative Assembly, written upon slips of parchment, and rolled up as directed by an Act passed in the fourth year of the Reign of His late Majesty King George the Fourth, intituled, "An Act to repeal an Act passed in the forty-fifth year of His late Majesty's Reign, intituled, 'An Act to regulate the Trial of Controverted Elections, or Returns of Members to serve in the House of Assembly,' and to make more effectual provision for such trials."

W. B. LINDSAY,
Clerk Assembly.

The names of all the Members were taken out of the box, and put into three other boxes.

The drawing of the names was then proceeded in, in the usual manner, and the following names were drawn to which no objection was taken:--

1 <u>Armstrong,</u>	13 <u>Lacoste,</u>
2 <u>Gowen,</u>	14 <u>Petrie,</u>
3 <u>Murney,</u>	15 <u>Sherwood,</u> of BROCKVILLE,
4 <u>Leslie,</u>	16 <u>Jobin,</u>
5 <u>Scott,</u>	17 <u>Greive,</u>
6 <u>Chabot,</u>	18 <u>Macdonald,</u> of KINGSTON,
7 <u>Hale,</u>	19 <u>Hall,</u>
8 <u>Smith,</u> of FRONTENAC,	20 <u>Laurason,</u>
9 <u>Macdonell,</u> of DUNDAS,	21 <u>Watts,</u>
10 <u>Smith,</u> of WENTWORTH,	22 <u>LeBoutillier,</u>
11 <u>McConnell,</u>	23 <u>Aylwin.</u>
12 <u>Foster,</u>	

Twenty other names were drawn and set aside or excused, as follows:--

Fourteen against whom Petitions are pending.

Six names were also drawn of Members who were absent.

The Honourable Mr. Solicitor General Sherwood was chosen nominee for the Petitioners.

The Honourable Mr. Baldwin was chosen nominee for the Sitting Member.

At half-past four o'clock, P. M., the parties, with Alfred Patrick, Esquire, Clerk to the Select Committee, retired for the purpose of striking the said Committee.

At a quarter-past five o'clock, P. M., the Clerk to the Select

Committee delivered to the Clerk of the House a list containing the names of the nine Members unstruck, composing the Select Committee, which is as follows:--

1	<u>Hale,</u>	6	<u>Greive,</u>
2	<u>Macdonell</u> of DUNDAS,	7	<u>Hall,</u>
3	<u>McConnell,</u>	8	<u>Watts,</u>
4	<u>Foster,</u>	9	<u>LeBoutillier.</u>
5	<u>Sherwood,</u> of BROCKVILLE,		

Nominee for the Petitioners, the Honourable Mr. Solicitor General Sherwood.

Nominee for the Sitting Member, the Honourable Mr. Baldwin.

A. PATRICK,
Clerk of Committee.

The said nine Members and the nominees were then severally sworn at the table by the Clerk, in the usual manner.

On motion of the Honourable Mr. Solicitor General Sherwood, seconded by the Honourable Mr. Baldwin,

Ordered, That the Select Committee appointed to try the Petition of Alexander Fraser, Esquire, late a candidate for the county of Lanark at the last Election; the Petition of William Duncan and others, freeholders of the county of Lanark; and the Petition of W. A. Playfair, senior, and others, freeholders of the county of Lanark, complaining of the undue election and return of Malcolm Cameron, Esquire, do meet in the Committee Room, No. 3, to-morrow, at half-past ten o'clock, A. M.

(131)

Petition of S.
Y. Chesley.

On motion of Mr. Sherwood, of Brockville, seconded by Mr. Dickson,

Ordered, That the Order of the Day for taking into consideration the Petition of S. Y. Chesley, Esquire, and others, electors of the town of Cornwall, complaining of the undue election and return of Rolland Macdonald, Esquire, be discharged; that the recognizance entered into be delivered up, to be cancelled.

Norfolk con-
tested Election.

The Honourable Mr. Morin, from the Select Committee appointed to try the merits of the Petition of David Duncombe, Esquire, late a Candidate for the county of Norfolk, and others his supporters, complaining of the undue election and return of Israel Wood Powell, Esquire, Sitting Member for the said county, reported to the House that the Committee met this day, according to appointment, but could not

*proceed to business in consequence of the absence of William Dunlop, Esquire, and the Honourable Mr. Papineau, two members of the said Committee.*¹

The Solicitor General (West,) ((MR. H. SHERWOOD)) thought that the first duty of the Committee, was to organize itself by the election of a Chairman, which it could do even though the members were not all present², and until the Chairman was appointed no report could be received from the Committee³, in support of which view he quoted from the act provided for such cases, a clause in which the course to be taken in choosing a chairman is prescribed; in that clause it was provided, that in case there was an even vote, the member who had been first balloted should give the casting vote. Now the voices could never be equal unless one of the members of the committee were absent.⁴

MR. BALDWIN thought, that the clause which provided that no business should be proceeded with without the whole of the members of the Committee were present, could not be so limited as to allow of a chairman being elected in the absence of a member.⁵

COL. WILLIAMS ((also)) objected to the interpretation put upon the Statute by the Solicitor General⁶.

MR. MORIN and MR. JOHNSTON made a few remarks⁷.

The subject ((was)) then dropped.⁸

(131)

*Resolved, That William Dunlop, Esquire, and the Honourable Mr. Papineau, who were absent from the said Committee on Saturday the eleventh, and on Monday the thirteenth instant, be excused by the House, Mr. Dunlop having sufficiently explained the cause of his absence,⁹ and Mr. Papineau having been detained at home by sickness.*¹⁰

Grenville
Election.

Mr. Lantier, from the Select Committee appointed to try the merits of the Petition of William Harris and others, freeholders of the county of Grenville, in the district of Johnstown, complaining of the undue election and return of Hamilton D. Jessup, Esquire, Sitting Member for the said county, reported to the House, that the Committee met this day, according to appointment, but could not proceed to business in consequence of the absence of the Honourable Mr. Papineau, a member of the said Committee.

On motion of the Honourable Mr. Attorney General Smith, seconded by the Honourable Mr. Daly,

Resolved, That as the Honourable Mr. Papineau has absented himself from the said Committee, by reason of sickness, he be excused.

DR. LANTIER moved, that the Committee on the petition against the election for the County of Lincoln, be allowed to proceed in the absence of Hon. D. B. Papineau. He did so because the motion for excuse made by the Attorney General did not go so far as to excuse the hon. gentleman if absent in future, and if he did not appear on the Committee tomorrow, he (Dr. Lantier) would feel obliged to report him again.¹¹

MR. DUGGAN objected to the motion, as it had not been communicated to him previously, although the petitioners' nominee.¹²

MR. WILLIAMS did not see any necessity for the present motion. By the Grenville Act, to which he referred Dr. Lantier, the Committee could proceed without making a motion, if a reasonable excuse were offered.¹³

MR. PRICE read a letter from the Hon. D. B. Papineau, stating that it was impossible for him to attend to business from illness.¹⁴

Solicitor General ((MR. H.)) SHERWOOD ((requested that Lantier withdraw his motion until the next day.))¹⁵

DR. LANTIER then withdrew the motion until tomorrow.¹⁶

(131)

Petitions
brought up.

The following Petitions were severally brought up and laid on the table:--

By Mr. Ermatinger, the Petition of James Lang and others, members of the United Church of England and Ireland, in the townships of Warwick and Adelaide, and parts adjacent, in the diocese of Toronto.

By Mr. Williams, the Petition of the Reverend Thomas S. Kennedy and others, members of the United Church of England and Ireland, in Darlington and Clarke, and parts adjacent; and the Petition of John Thompson and others, members of the United Church of England and Ireland, in the township of Cavan, and parts adjacent, in the diocese of Toronto.

By Mr. Taschereau, the Petition of the Reverend Louis Proulx and others, of Dorchester, and other places.

By Mr. Lantier, the Petition of Donald M'Intosh and others, of the parishes of St. Polycarpe, St. Ignace, and St. Joseph, in the county of Vaudreuil; and the Petition of Michel Christin, junior, of the parish of St. Ignace du Coteau du Luc.

By Mr. Murney, the Petition of William Connor and others, masters and journeymen shoemakers, in the District of Victoria; the Petition of John P. Gibbs, of the township of Seymour; and the Petition of the Mohawk nation of Indians, of the Bay of Quinté, Canada West.

By Mr. DeWitt, the Petition of Charles DeWitt and others, of the township of Godmanchester, in the district of Montreal.

By the Honourable Mr. Moffatt, the Petition of the Religious Ladies of the "Hotel Dieu," of Montreal.

By Mr. Boulton, the Petition of Brooke Young and others, members of the United Church of England and Ireland, in the town of Sandwich and its vicinity, in the diocese of Toronto.

By Mr. Smith, of Wentworth, the Petition of John Williamson and others, of the township of Saltfleet; and the Petition of John Hammill, of the town of Brantford, in the district of Gore, carpenter.

By Mr. Dickson, the Petition of the Reverend Thomas Green and others, members of the United Church of England and Ireland, in the town of Niagara and its vicinity; the Petition of Daniel M'Dougal, of the town of Niagara; and the Petition of John D. M'Kenzie and others, of the township of Beverley, in the district of Gore, and other places.

By Mr. Cummings, the Petition of the Reverend William Leeming and others, members of the United Church of England and Ireland, in the village of Chippewa, in the diocese of Toronto; and the Petition of Joel Smith and others, members of the United Church of England and Ireland, in the township of Grimsby.

By Mr. Dunlop, the Petition of Henry C. Cooper, B. A., and others, members of the United Church of England and Ireland, in the Devonshire settlement, in the diocese of Toronto; the Petition of Robert F. Campbell and others, members of the United Church of England and Ireland, in the town of Goderich and its vicinity, in the diocese of Toronto; and the Petition of John Shepherd and others, members of the United Church of England and Ireland in the town of Goderich, and its vicinity, in the diocese of Toronto.

By Mr. Johnston, the Petition of Robert Owens and others, members of the United Church of England and Ireland, in March and Huntley, and parts adjacent.

By Mr. Macdonald of Kingston, the Petition of the trustees of Queen's College at Kingston; and the Petition of Charles Hales and others, merchants and traders, of the town of Kingston.

By Mr. Chabot, the Petition of William Sheppard, Esquire, and others, trustees of the Quebec Turnpike Roads.

By Mr. Macdonell, of Stormont, the Petition of Jacob Brown and others, of the township of Osnabruck; and the Petition of George Robertson and others, of the village of Milleroches.

Petitions read.

Pursuant to the Order of the Day, the following
Petitions were read:--

Of the Right Reverend the Lord Bishop of Toronto and others, members of the United Church of England and Ireland, in the city and vicinity of Toronto, praying that the Common School Act may be amended, so as to allow the said Church to superintend the education of the children belonging thereto.

Of the Reverend M. Morin and others, of Lachenaie and other parishes, in the county of Leinster, praying that the parishes of Lachenaie, St. Henri de Mascouche, and St. Lin, in the said county of Leinster,

(132)

may be annexed to the county of Terrebonne.

Of Edward Carter Allen, of William Henry, in the county of Richelieu, praying for an aid in support of a School taught by him.

Of T. A. Simard and others, of the seignior of Delery, in the county of Huntingdon, complaining of hardships under which they labour as censitaires in the said seignior, and praying the House to investigate the same, and to cause justice to be done in the premises.

Of Paul Shirley and others, members of the United Church of England and Ireland, in the township of Camden and parts adjacent; of the Reverend George Mortimer and others, members of the United Church of England and Ireland, in the township of Louth and parts adjacent, in the diocese of Toronto; of the Reverend John Anderson and others, members of the United Church of England and Ireland, of Fort Erie and its vicinity in the diocese of Toronto; of Charles C. Brough and others, members of the United Church of England and Ireland, in the township of London and parts adjacent, in the diocese of Toronto; of Mark Burnham and others, members of the United Church of England and Ireland, in the village of St. Thomas and its vicinity, in the diocese of Toronto; and of the Reverend Robert J. C. Taylor and others, members of the United Church of England and Ireland, in the town of Peterboro' and its vicinity, in the diocese of Toronto; severally praying for an Address to Her Majesty recommending the passing of an Act to assign to the said Church of England such share of the Clergy Reserve Lands, as shall correspond with her share of the funds arising from the same; and to authorize the Church Society of the diocese of Toronto to propose a system for the future management of their portion of the said Lands.

Of Robert Nixon and others, interested in the Grimsby Pier and Harbour Company, praying for the completion of the said work.

Of James Maclaren, keeper of the Common Gaol and House of Correction,

in the city of Quebec, praying for an increase of salary.

Of the Reverend Charles E. Bélanger and others, of the township of Stanford, in the county of Drummond, praying for an aid to open a road to the river Bécancour, in the township of Bradford.

Of the Reverend C. L. Gagnon and others, of the counties of Drummond and Megantic, praying an aid to open a road from Dunville to the Gosford road.

Of Charles Rose and others, of Tingwick and other townships, praying for an aid to complete a line of road from Montreal to Quebec, through the said townships.

Of S. M. Taylor and others, of the townships of Melbourne and Shipton and parts adjacent, praying for the erection of a bridge over the river St. Francis, between the villages of Melbourne and Richmond.

Of James W. Ritchie and others, of the district of Talbot and township of Walpole, praying for the construction of a branch road from the town of Simcoe to the Hamilton and Port Dover plank road.

Of John Kilborn and others, of the Johnstown, Bathurst and Midland districts, praying that a duty may be imposed upon sawed lumber imported from the United States, equal to that levied by the Government of the United States on Canadian sawed lumber.

Of James Bishop, of the parish of St. Sylvester, in the county of Lotbinière, praying for the Government allowance as school teacher for the year 1842.

Of Charles Juneau de Montreuil, of the city of Quebec, praying that certain arrears of a pension due to Mademoiselle Schindler before her death, may be paid to him.

Of Joseph Hunt, late a Sergeant in Her Majesty's 37th Regiment of Foot, praying for the grant of land originally promised to soldiers, on their becoming settlers in this Province.

Of Joseph Smolinski, of Quebec, representing the advantages of the Russian stove over the common iron stove, and praying that the former may be substituted for the latter, in all public offices, and buildings.

Of John G. Weir, Esquire, and others, of the town of Chatham, praying that a certain piece of land in the said town granted for purposes of education, may be vested in the Municipal Council of the Western district.

Of Captain J. Morin and others, of the township of Armagh in the county of Bellechasse, praying that additional aid may be granted to them in opening a road of communication to the said township.

Of T. G. Lanni re and others, of the parishes of St. Gervais, and St. Lazare, in the county of Bellechasse, praying further aid towards opening two roads leading to the townships of Standon and Ware.

Of J. Gosselin and others, trustees, and others interested in the Academy, of the parish of St. Gervais, in the county of Bellechasse, praying an aid for the said Academy.

Of J. A. Mathison and others, of the parish of St. Michel de Vaudreuil, praying that the roads between Vaudreuil and the Lachine turnpike road, may be macadamized.

Of William Duckett and others, of the townships of Lancaster and New Longueuil, praying that the road leading from the river Delisle to the Province line, may be verbalized by a law, and placed under the management of three Commissioners.

Of Alexander Anderson and others, inhabitants of the town of London, praying for amendments to the Act of Incorporation of the said town.

Of James Nutbrown and others, of that part of Leeds which joins the seigniority of St. Giles, praying aid to open a road communicating with Craig's road.

Of the Reverend Charles E. B langer and others, of the township of Somerset, in the county of Megantic, praying for the opening of a road leading from the said township through part of the township of Inverness, to join the Gosford road.

Of Pierre Doucet of Quebec, praying that the Ordinance incorporating the city of Quebec, may not be altered so as to deprive him of his pension, as petitioned for by the Corporation of the said city.

Of Adolphus Williams, of the township of Malahide, in the district of London, praying relief in the matter of an action against him for fulfilling his duties as pound keeper, according to the Provincial law.

Of Henry G. Thompson, of the city of Montreal, praying to be employed in the department of the Law Clerk, or in such other office as may require his services.

Of J. B. Lavigne and others, of the parish of La Visitation de L'Isle du Pads, in the county of Berthier; of the Reverend Antoine Fiset and others, of the parish of St. Cuthbert, in the district of

(133)

Montreal; of Octave Bordeleau and others, of the parish of Ste. Elizabeth, in the district of Montreal; of Martin Dostaler and others, of the parish of Berthier, in the district of Montreal; and of Elie Paquin and others, of the parish of Ste. Ursule, in the county of St. Maurice, praying that no change may be made in the present law respecting winter carriages.

Of the Montreal Bible Society, praying for the advantage of a cheap and uniform rate of postage.

Petitions
referred.

Montreal
Board of Trade.

incorporating the said City,) and other references.

Ordered, That the Petition of the Montreal Board of Trade, (relating to the Montreal harbour,) be referred to the Special Committee to which was referred the Petition of the Mayor, Aldermen, and Citizens, of the city of Montreal, (relating to the Ordinance incorporating the said City,) and other references.

E. Paquin
and others.

Ordered, That the Petition of Elie Paquin and others, of the parish of Ste. Ursule, in the county of St. Maurice, be referred to the Select Committee to which was referred the Petition of Michel Houle and others, of the city of Montreal, carters, and other references.

Rev. Theobald
Schneider and
others.

Resolved, That the Petition of the Reverend Theobald Schneider and others, of the district of Niagara, be referred to a Select Committee, composed of Mr. Thompson, Mr. Williams, and Mr. Webster, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

J. B. Lavigne
and others.

Ordered, That the Petition of J. B. Lavigne and others, of the parish of La Visitation de L'Isle du Pads, in the county of Berthier; the Petition of the Reverend Antoine Fisette and others, of the parish of St. Cuthbert, in the district of Montreal; the Petition of Octave Bordeleau and others, of the parish of Ste. Elizabeth, in the district of Montreal; and the Petition of Martin Dostaler and others, of the parish of Berthier, in the district of Montreal, be severally referred to the Select Committee to which was referred the Petition of Michel Houle and others, of the city of Montreal, carters, and other references.

Ordered, That Mr. Armstrong, the Honourable Mr. Papineau, Mr. Désaunier, and Mr. Taché, be added to the said Committee.

J. A. Mathison and others. Ordered, That the Petition of J. A. Mathison and others, of the parish of St. Michel de Vaudreuil, be referred to the Select Committee to which was referred the Petition of M. F. Valois and others, inhabitants of Lachine and other parishes, and other references.

M. C. Lutz. Ordered, That the Petition of Morris C. Lutz, of the village of Galt, in the county of Halton, be referred to the Select Committee to which was referred the Bill to revive and continue for a limited time, part of the fourth clause of an Act passed in the fourth and fifth years of the reign of Her Majesty, Queen Victoria, intituled, "An Act to secure to and confer upon certain Inhabitants of this Province, the Civil and Political Rights of natural born British Subjects."

P. Shirley and others. Ordered, That the Petition of Paul Shirley and others, members of the United Church of England and Ireland, in the township of Camden and parts adjacent, be referred to the Select Committee to which was referred the Petition of the Church Society of the diocese of Toronto, and other references.

R. Brown and others. Resolved, That the Petition of Richard Brown and others, inhabitants of Cayuga, be referred to a Select Committee, composed of Mr. Thompson, Mr. Dickson, Mr. Merritt, Mr. Cummings, and Mr. Johnston, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

W. Duckett and others. Resolved, That the Petition of William Duckett and others, of the township of Lancaster and New Longueuil, be referred to a Select Committee, composed of Mr. Lantier, Mr. Jobin, Mr. Macdonald of Glengarry, Mr. Lacoste, and Mr. Macdonell of Stormont, to examine the contents thereof and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

P. Doucet. Ordered, That the Petition of Pierre Doucet, of Quebec, be referred to the Special Committee to which was referred the Petition of Edouard Glackemeyer, Esquire, acting Mayor of the Corporation of the city of Quebec, (relating to the Ordinances incorporating the said city,) and other references.

C. C. Brough and others. Ordered, That the Petition of Charles C. Brough and others, members of the United Church of England and Ireland, in the township of London and parts adjacent, in the diocese of Toronto, be referred to the Select Committee, to which was referred the Petition of the Church

Society of the diocese of Toronto, and other references.

District Officers. *Ordered, That Mr. Sherwood, of Brockville, have leave to bring in a Bill to regulate the fees of certain district officers in that part of this Province called Upper Canada.*

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Monday next.

Notarial profession. *Ordered, That Mr. Laurin have leave to bring in a Bill to organize the Notarial profession in that part of the Province called Lower Canada.*

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Friday, the thirty-first instant.

Districts and Counties in Upper Canada. *Ordered, That the Honourable Mr. Solicitor General Sherwood have leave to bring in a Bill, for better defining the limits of the counties and districts in Upper Canada; for erecting certain new townships; for detaching townships from some counties, and attaching them to others; and for other purposes, relative to the division of Upper Canada into townships, counties, and districts.*

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Friday next.

Religious Ladies, Montreal. *Ordered, That the Honourable Mr. Moffatt have leave to bring in a Bill, to authorize the community of Religious Ladies, called Les Soeurs de la Congregation Notre Dame de Montréal, to acquire and hold additional real or personal property to a certain amount.*

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Monday next.

(134)

On motion of the Honourable Mr. Moffatt, seconded by Mr. Petrie,

Returns from
Post Master
General.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency, will be pleased to cause to be laid before this House, copies of the last four quarterly Returns, made by the Deputy Post Master General of this Province, to the Post Master General in England, or a detailed statement, showing the Receipts and Expenditure of the Post Office Department in this Province for the same period.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House, as are of the Honourable the Executive Council of this Province.

MR. CHRISTIE¹⁷ gave notice of his intention to move for a committee to inquire into the state of the Archives at Quebec, and to take measures for their preservation, arrangement, and publication.¹⁸

MR. ATTORNEY GENERAL ((J.)) SMITH said that they were about to be removed to Montreal.¹⁹

MR. CHRISTIE objected to this, and said that it was upon this account he had made the motion.²⁰

DR. DUNLOP thought it would be better that they should be copied, the copies deposited in Montreal, and originals allowed to remain in Quebec.²¹

(134)

Ancient
Archives of
La Nouvelle
France.

Resolved, That a Select Committee of seven members be appointed, to enquire into, and report upon the present condition and state of the ancient archives and public records of La Nouvelle France, of Canada, and of the Province of Quebec, remaining in the vaults of the Evêché, or Parliament buildings at Quebec, or elsewhere, with a view to the adoption of measures as well for their arrangement and preservation from decay, as to the collection from all accessible sources wheresoever, of such ancient and authentic records and documents, relating to the first settlement of Canada, as in the opinion of the Committee, may cast light upon, or be conducive to a full knowledge of its early history, as well as to the general advancement of Literature in the Province; to report thereon with all convenient speed; with power to send for persons, papers, and records--and that the said Committee be composed of Mr. Christie, the Honourable Mr. Aylwin, Mr. Hale, Mr. Dunlop, Mr. Chabot, Mr. Taché, and Mr. Williams.

On motion of Mr. Christie, seconded by Mr. Thompson,

Public
Accounts.

Ordered, That the several Public Accounts laid before this House during the sessions of 1841, 1842, and 1843, be referred to the Special Committee to which was referred the Accounts and Statements respecting the Public Income and Expenditure of the Consolidated Revenue Fund of the Province of Canada for the year 1843, and that it be an instruction to the said Committee to report thereupon from time to time if it shall see fit, in the case of its appearing to the Committee that any sum or sums mentioned in any of the said accounts, as advanced on the responsibility of the Executive Government, require the sanction of a vote, and an act of indemnity and appropriation.

Ordered, That it be a further instruction to the said Committee to ascertain from the Inspector General's department a detailed statement of the claims on the Provincial Government, which were unsettled on the thirty-first of January, 1844, but which when paid would be chargeable on the Consolidated Revenue Fund; whether such claims are founded on permanent or annual appropriation by the Provincial Parliament, or on the Imperial Act, commonly known as the Union Act, and also any further information which it may be important to obtain to enable them to determine the true state of the Public Revenue.

Municipal
authorities,
District of
Gaspé.

Ordered, That the Bill to exempt the district of Gaspé from the operation of an Ordinance of the Governor and Special Council of the late Province of Lower Canada, intituled, "An Ordinance to provide for the better Internal Government of this Province by the establishment of local or Municipal Authorities therein," be read a second time on Monday next.

Gaspé Fishery.

Ordered, That the Order of the Day for the House in Committee to take into consideration the expedience of affording encouragement to the Gaspé and Gulf fisheries, carried on from this Province, by exempting salt and other articles indispensable to the fisheries, from duties, be postponed to Monday the twenty-seventh instant.

Registration
of Titles.

Ordered, That the Bill still further to facilitate the registration of titles to real property or incumbrances thereon in Lower Canada, be read a second time on Friday the twenty-fourth instant.

Marriage
License Fee
Fund.

Ordered, That the Bill relating to the fund formerly known as the "Marriage License Fee Fund," to fix the fees hereafter to be taken on marriage licenses, and to provide for the regular payment thereof into the public treasury, be read a second time on Friday next.

Ordered, That the Honourable Mr. Moffatt have leave to bring in a Bill to incorporate the Chambly Cotton Manufacturing Company.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time, and ordered to be read a second time on Monday next.

High School
Montreal.

Ordered, That the Honourable Mr. Moffatt have leave to bring in a Bill to incorporate the High School of Montreal.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Thursday next.

Registration,
Lotbinière.

Ordered, That Mr. Laurin have leave to bring in a Bill to detach the parish of St. Sylvester from the county of Lotbinière, and to annex it to the county of Dorchester, for the purposes of registration only.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time, and ordered to be read a second time on Wednesday, the twenty-second instant.

St. Thérèse de
Blainville.

Ordered, That the Honourable Mr. LaFontaine have leave to bring in a Bill to incorporate Le Petit Seminaire de Ste. Thérèse de Blainville, in the district of Montreal.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time, and ordered to be read a second time, on Monday next.

On motion of the Honourable Mr. Aylwin, seconded by Mr. Chabot,

Seigniorv of
Beauharnois.

Resolved, That an humble Address be presented to His Excellency, the Governor general, praying that His Excellency will be pleased to direct the proper officer to lay before this House, copies of the several instruments of transfer and sale under which the present and the late proprietors of the seigniorv of Beauharnois came into possession thereof; and to pray further for a statement of the amount paid to the Crown as droits de quint upon the said transfers.²²

MR. AYLWIN moved for ... ((this)) Address ... on account of rumours of the Crown having been defrauded of its dues by the proprietors.²³

(134)

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the

Honourable the Executive Council of this Province.

(135)

Commerce
of Canada.

Resolved, That a Select Committee composed of
Mr. Merritt, the Honourable Mr. Aylwin, the
Honourable Mr. Moffatt, Mr. Leslie, Mr.

Cummings, Mr. Lawrason and Mr. Lantier be appointed to inquire into the nature and extent of the restrictions which exist on the commerce of Canada, in passing from the interior to or from the Mother County, our Sister Colonies, or foreign parts, by the River St. Lawrence; to report thereon with all convenient speed; with power to send for persons, papers and records.

Sick Mariners.

Ordered, That the Order of the Day for the House in Committee, to consider the expediency of amending the Act of Lower Canada, 6 William 4, cap. 35, to provide for the medical treatment of sick mariners, by authorizing the appropriation of a certain portion of the moneys collected under that Act to the relief of shipwrecked and destitute seamen, be postponed until Friday next.

Trinity Houses.

Ordered, That the Order of the Day for the House in Committee, to consider the expediency of repealing the Acts and Ordinances of Lower Canada, establishing the Trinity Houses of Quebec and Montreal, and regulating pilots and pilotage, with a view to the substitution of other enactments on the said subject, be postponed until Friday next.

Union Act.

Ordered, That the Order of the Day, for taking into consideration the motion for addressing Her Majesty on amending the Union Act, relative to using the French language in all public documents, be postponed until Friday next.

Halton con-
tested Election.

Ordered, That the Select Committee, appointed to try the merits of the Petition of James Durand, Esquire, of Dundas, in the county of Halton, in the Gore district, complaining of the undue election and return of James Webster, Esquire, be adjourned until Thursday, the thirteenth day of February next, and that the said Committee do then meet in the Committee Room, No. 2, of this House, at ten o'clock, A.M.

Petition of
W. Molson
and others.

Resolved, That the Select Committee, to which was referred the Petition of William Molson and others, inhabitants and proprietors of real estate, in the village of Hochelaga, and in the parish of Montreal, be discharged from the further consideration thereof, and that the said Petition be referred to a special Committee, to which was referred the Petition of the Mayor, Aldermen, and citizens of the city of Montreal, (relating to the Ordinances incorporating the

said city.)

Insolvent Debtors.

Ordered, That the Order of the Day for the House in Committee, to consider the expediency of repealing certain parts of the first and second sections of an Act of the Legislature of Lower Canada, passed in the sixth year of the reign of His late Majesty, King William the Fourth, chapter four, intituled, "An Act to afford relief during a limited time to insolvent debtors," be postponed until Thursday, the twenty-third instant.

Montreal contested Election.

Ordered, That the Order of the Day, for taking into consideration a motion made on the thirteenth of December last, to wit, "That the grounds and reasons of complaint, set forth in the Petition of Peter Dunn and others, who have complained to this House of the undue election and return of the Honourable George Moffatt, and the Honourable Charles Clément Sabrevois DeBleury, as Members to serve for the city of Montreal, in this present Parliament, if such grounds and reasons be true, are sufficient to make void the election of the said Honourables George Moffatt and Charles Clément Sabrevois DeBleury," be postponed until Thursday next, and that it be then the first Order of the Day.

Megantic contested Election.

Ordered, That the Order of the Day for taking into consideration a motion made on the thirteenth of December last, to wit,--"That the grounds and reasons of complaint set forth in the Petition of Richard Charles Porter and others, who have complained to this House of the undue election and return of the Honourable Dominick Daly, as a Member to serve for the county of Megantic, in this present Parliament, if such grounds and reasons be true, are sufficient to make void the election of the said Honourable Dominick Daly," be postponed until Thursday next, and that it be then the second Order of the Day.

On motion of Mr. Armstrong, seconded by Mr. Chabot,

Incomes of Seigniories.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a return of the income of each seigniority held or possessed by the Government, in Eastern Canada, together with the names of the agents of each seigniority, amount of salary and expenses paid to the agents for collection, and also, the amount of Droit de Quint received by the Government since the year 1830.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

Sherbrooke
Cotton Factory.

The Honourable Mr. Morin, from the Standing Committee on Private Bills, to which was referred the Bill to incorporate the Sherbrooke Cotton Factory, presented to the House the Third Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee have examined the Bill to incorporate the Sherbrooke Cotton Factory, and beg leave to suggest the following amendments thereto:--

Clause 3--Expunge "Seven hundred pounds," and leave a blank in place thereof.

" 4--After "property," insert "provided that before this Act shall have its full effect, and the said Corporation be operative, one-fifth part, at least of the said capital shall have actually been paid in by the shareholders, and is at the disposal of the directors thereof, for the purposes of the company, in accordance with this Act."

" 8--After "Shareholders" in line 10, expunge to "and".

" 15--Expunge "ten thousand pounds," and leave a blank in place thereof.

" " --At the end of the clause insert "provided that no part of the said sum shall be borrowed until the whole of the capital of Twelve Thousand Pounds has been paid in."

Your Committee would further remark, that by the 14th clause of the Bill, the liability of the shareholders is limited to the unpaid capital; as this subject has been of late years much discussed in your Honourable House, your Committee have thought it their duty to call attention to the provision as it stands in the Bill. In the event of the limitation being maintained as above, it would be proper that the company, as well as all like corporations to be established by law, should be bound to

(136)

furnish to the Legislature, and to publish annually in some manner to be regulated, a detailed statement of their affairs, and the names and residence of all shareholders for the time being.

Ordered, That the said Bill and Report be committed to a Committee of the whole House, on Wednesday next.

County of
Grenville
Election.

Mr. Prince, Chairman of the Select Committee appointed to try the merits of the Petition of William Harris and others, freeholders of the county of Grenville, in the district of Johnstown, complaining of the undue election and return of Hamilton D. Jessup, Esquire, as a Member to represent the county of Grenville, in this present Parliament, reported to the House, that they met this morning, pursuant to adjournment, at half-past nine o'clock, but were unable to proceed to business in consequence of the absence of the Honourable Mr. Papineau.

Resolved, That as the Honourable Mr. Papineau has absented himself from the said Committee by reason of sickness, he be excused.

Private Bills,
and Report on
the same.

Resolved, That the time for receiving Private Bills and Reports on Private Bills be further extended ten days beyond the period now fixed for the same respectively.

Municipal
Council, Dis-
trict of Niagara.

Ordered, That Mr. Merritt be added to the Select Committee, to which were referred the several Petitions of the Municipal Council of the district of Niagara.

District
Treasurers.

The Order of the Day for the second reading of the Bill to prevent the abuses which have arisen from persons being traders, or the agents of traders, being appointed or allowed to act as District Treasurers in Upper Canada, being read,

The said Bill was accordingly read, and committed to a Committee of the whole House.

Mr. Gowan took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair.

Petition of J.
W. Brown and
others.

The Order of the Day for the House in Committee on the Report of the Select Committee, to which was referred the Petition of James W. Brown and others, inhabitants of the township of Kingston, being read,

The House accordingly resolved itself into the said Committee.

Mr. Taché took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair.

And Mr. Taché reported that the Committee had come to a resolution;

which resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Macadamized Roads.

Resolved, That it is expedient to repeal the 49th section of the Act of the Parliament of the late Province of Upper Canada, passed in the third year of Her Majesty's reign, chapter 53, intituled, "An Act to repeal, alter and amend the Laws now in force for the regulation of the several macadamized roads within this Province;" and to provide that so much of a certain other Act of the same Parliament, passed in the fifty-ninth year of the reign of His late Majesty, King George the Third, chapter 8, intituled, "An Act to repeal part of and amend the Laws now in force for laying out, amending, and keeping in repair the public highways and roads in this Province," as may be repealed by the above recited Act, be revived and continued.

Ordered, That Mr. Smith, of Frontenac, have leave to bring in a Bill to repeal a certain part of an Act of Upper Canada, relating to macadamized roads, and to revive, with reference to such roads, part of a certain other Act, relative to public highways, and roads in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Monday next.

Printing and Binding.

The Order of the Day, for taking into consideration the second report of the Standing Committee on Printing and Binding, being read,

The House proceeded accordingly to take the said report into consideration, and the said report being again read,

Resolved, That this House doth concur with the Standing Committee on the said report.

Conveyance of Lands in Upper Canada.

The Order of the Day for the second reading the Bill, to remove certain difficulties with regard to the conveyance of lands in Upper Canada, of which the grantor may not have possession, or of which a third party may be in adverse possession, being read,

The said Bill was accordingly read, and committed to a Committee of the whole House.

Mr. Christie took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Christie reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again, on Monday next.

Canada Baptist
Missionary
Society.

The Order of the Day for the second reading of the Bill to incorporate the Canada Baptist Missionary Society, being read,

The said Bill was accordingly read, and referred to the Standing Committee on private Bills.

Toll-bridge,
River Richelieu.

The Order of the Day for the second reading of the Bill, to authorize John Yule, junior, to build a Toll bridge over the river Richelieu, in the parish of St. Joseph de Chambly, to fix the rates of toll for passing thereon, and to provide regulations for the same, being read,

The said Bill was accordingly read, and referred to the Standing Committee on private Bills.

Writs to be
issued from
Queen's
Bench.

Ordered, That the Bill to enable the several Courts of Queen's Bench in Upper and Lower Canada, to issue writs of Subpoena ad testificandum, as therein mentioned, be read a second time on Wednesday next, and that it be then the first Order of the Day.

Huron District
Council Taxes.

Ordered, That the Bill to provide for the recovery of the rates or taxes, intended to be imposed by certain by-laws of the district Council of the district of Huron, be read a second time on Wednesday next.

Clergymen
voting at
Elections.

Ordered, That the Bill to indemnify Clergymen who have voted at the last general election in ignorance of the law, be read a second time on Wednesday next.

(137)

Simcoe Church
Lands.

Ordered, That the Order of the Day for the House in Committee, on the Bill to enable the trustees holding a certain lot in the town of Simcoe, for the use of a Church, to sell or convey the same, or any portion thereof, and to appropriate the proceeds to a like use, be postponed until Thursday next.

Then, on motion of Mr. Macdonell, of Dundas,

The House adjourned.

APPENDIX, 13 JANUARY 1845.

((NOTICE OF PROPOSED MOTION.))

M. CAUCHON a donné avis le 13, que demain il fera motion pour présenter une adresse à Son Excellence le gouverneur-général, le priant de faire mettre devant la chambre un état détaillé des recettes et des dépenses annuelles du bureau de la Trinité de Québec pour les quatre dernières années; des sommes d'argent prêtées à même le fonds des pilotes; des sommes remises; des pertes encourues, par la banqueroute des emprunteurs ou autrement, dans le cas où ces pertes peuvent avoir eu lieu, et si ces sommes ou partie d'icelles ont été prêtées à des membres ou officiers du bureau de la Trinité de Québec; des noms des personnes auxquelles ces sommes ont été prêtées; du montant du revenu produit par le prêt de ces sommes pour les quatre dernières années; et le montant de l'argent maintenant dans le coffre du bureau de la Trinité.²⁴

((WITHDRAWN MOTION RE: REFERRAL OF PETITION OF WILLIAM EVANS.))²⁵

MR. CAMERON rose to address the House on a subject which had called forth much discussion on a previous evening, the petition of Mr. Evans, there were many erroneous notices abroad on the subject, which he desired to correct for firstly he had been said to have had no authority for reading the letter, which he had put into his hands from the private Secretary of the Governor General. Secondly, that Mr. Evans had expressed regret at having confided his petition to him. Thirdly, that part of the letter had been suppressed. Those statements had been made by a member then in the house, out of doors, and if that hon. gentleman neglected to make the amende honorable, he (Mr. Cameron) should describe his conduct in terms not to be misunderstood. The hon. member then read a letter from Mr. Evans, in which that gentleman stated, that he had in conversation with the hon. member for Leeds said that he regretted having put the affairs into the hands of Mr. Cameron if he had done wrong by so doing, that he had never said, that Mr. Cameron had foisted himself upon him but only that Mr. Cameron had been the first to seek an interview, and that he had applied to Captain Higginson, from whom he had obtained authority to use the letter in any way he pleased. The hon. member then read the note which gave the permission for the publication of the letter.²⁶ It had also been stated by an hon. member out of the House that the hon. Solicitor General had discovered by application at the Government House that he (Mr. Cameron) had not read all the letter of Captain Higginson. He (Mr. Cameron) reiterated that he had obtained full authority to read Captain Higginson's letter; and so far was he from desiring to use that letter in his place in the House without authority, he in the first instance told Mr. Evans that he doubted the propriety of such a course, and advised him to see Captain Higginson. This Mr. Evans did, and then

wrote him, Mr. Cameron, to the effect that he had obtained the permission of Captain Higginson to make what use he pleased of it. Was not he, Mr. Cameron, then justified in reading the letter, and in considering it in the light of a recommendation to the House in favour of the petition, in having come into his (Mr. Cameron's hands) with, as he was plainly given to understand, the express sanction of Captain Higginson, and containing as it did the clear expression "His Excellency will rejoice if the Legislature think proper to aid your laudable enterprize." The hon. member next observed that as the hon. member who had spoken of him out of the House must now be convinced that he had done so unjustly, he (Mr. Cameron) trusted that he would now do him but justice, if not he would name the hon. member.²⁷ With regard to the merits of the petition, no man had done more towards the benefit of Agriculture than the petitioner, the information which he had disseminated was of the most valuable description, particularly in a country like this, where many who turned their attention to Agriculture were new settlers who had been mechanics at home. Until Agricultural Societies were established, and useful information spread throughout the country no improvement could be expected. He knew there was a feeling abroad that there was no use in circulating theoretical information, but that impression was a wrong one. The only manner in which any good could be effected, would be firstly by extending Agricultural Societies as much as possible, and next by circulating proper magazines and papers. Mr. Evans, in making the application for aid he had done, proposed to bind himself to distribute a certain number of copies of his Agricultural Journal, in French and English in every parish in Lower Canada, and also to place a large number in the hands of the Superintendent of Education for distribution.²⁸

((MR. CAMERON)) moved, seconded by COL. PRINCE, that the petition of Wm. Evans for aid in the circulation of his Agricultural Journal be referred to a select committee²⁹, which he named.³⁰

MR. JOHNSTON alluded ... to the allusions of Mr. Cameron to some member who had asserted what he called an untruth of him. He wished to know if he had referred to him.³¹

((MR. CAMERON:)) No! No!³²

He ((MR. JOHNSTON)) called upon him to name the individual, and in conclusion remarked that however sick Mr. Cameron might feel on account of any remarks which had been made upon his conduct, he could tell him he really deserved it all, and if any thing he did not get so much as his deserts.³³

COL. PRINCE confessed that he was not present when this petition was under discussion upon the previous evening, but he really could not conceive what objection there could be to refer the petition to a Committee. He had been asked to second the motion, and had done so without

reference to the subject matter, but he was now very glad that he had been asked to second it, for it appeared that there was some very strange misunderstanding regarding the referring of this petition. He was not acquainted with the petitioner, Mr. Evans, but he had read his works as he hoped every honest farmer had done, and he trusted he was an honest farmer, and he would like to see them placed in the reach of all farmers. He hoped that the petition would not be withdrawn on account of a letter which had been said to have been improperly read; so far as he could judge after hearing that letter read, it was an expression of individual feeling, and did honour to His Excellency, and honor to the individual who wrote it; it gave an assurance to that Assembly and to the country, of His Excellency's desire to promote Agriculture, as he was also of every other useful art which might arise. What impropriety there could be in reading this letter after an express permission given to do so, he could not conceive; Capt. Higginson did not complain of the use made of his letter, and what right had others? If the letter in question had been a private one, he would say that the man who betrayed the honour of the writer deserved to have his arm struck off. If the House refused to refer this petition it would be a disgrace to it. Sufficient encouragement was not given to Agriculture by the government; there was no encouragement for the importation of valuable stock for the improvement of the breed of domestic animals. Agriculture should be encouraged, and the inhabitants of this country should be taught to court it as the true source of wealth, or as had been remarked by a great man, that it was not only the source of wealth, but the only true wealth of a nation.³⁴

MR. GOWAN said, that in consequence of the allusion made to him in the previous part of the speech of the hon. member for Lanark, it might be supposed that he was the member referred to in respect of the latter part; but he begged to say that such was not the case, he had held no communication on the subject with the Solicitor General. In reference to Mr. Evans' denial of what had passed between himself and him (Mr. Gowan), he would only remark that there was a third party present, Col. Fraser, at the time. The hon. member for Stormont had been present that morning when he (Mr. Gowan) asked Colonel Fraser to repeat the substance of that conversation, and he had borne out the truth of what he (Mr. Gowan) had previously stated to the House, of which that gentleman was witness. The member for Lanark had denied that he had sought the acquaintance of Mr. Evans; now, from the expressions contained in the letter of that gentleman which he had just read, it was evident that he had done so. Mr. Evans stated that he had received a letter from Mr. Cameron, expressing a wish to see him, as he was about to bring some measure for the benefit of Agriculture under the consideration of the Government; from this it was evident that the hon. gentleman had sought the acquaintance of the petitioner, and not he him. He concurred in some of the remarks which had fallen from the member for Essex, with regard to the disposition of the

illustrious individual alluded to, to advance every measure for the good of the country, and as to the necessity of encouraging Agriculture. But had the member for Essex been in his place upon the night when this discussion originated, he would not have had to ask what reason there could be for that House to refuse to refer the petition. It was not with the merits of the question that they had to do - those were admitted; but this letter had been introduced for a dishonest purpose; not with the intention of prospering the case of the petitioner, but to be made use of as a weapon against the Government. A private letter had been read to that House, and attempted to be palmed upon it as an official intimation of the approbation on the part of the Head of the Government, of a measure, to which his ministers had declared themselves opposed. Would it be pretended that Mr. Cameron came down in good faith to that House and tendered to it the recommendation of Captain Higginson, as a passport to its favourable consideration? Was it not absurd to maintain for a moment that he (Mr. C.) would go to the hon. gentlemen on the opposite benches, if he had had no other motive in view than the success of the petitioner, and endeavour to conciliate their support by a letter from the Private Secretary of the Governor General? Was it not equally absurd to suppose that the member for Lanark would err in what was, or was not, an official communication, and suppose it at all probable that Captain Higginson would be the channel of such communication into that House? The hon. gentleman must have been fully aware from the first that the letter he had introduced did not convey the approbation of Government to the application of Mr. Evans to that House, but merely conveyed a private expression of feeling on the part of his Excellency. It was never intended by Captain Higginson to be introduced in Parliament, either officially or otherwise, as a recommendation of the prayer of the petitioner, but was simply what it stated--an appreciation by Sir Charles Metcalfe of the exertions made by him in the cause of Agriculture, and a wish for the success of his application.³⁵

MR. CAMERON rose to order. He disclaimed any such intention ((regarding his use of the letter as Mr. Gowan had implied.))³⁶

MR. GOWAN attempted to return to the imputation.³⁷

The Speaker ((SIR ALLAN MACNAB)) ... reminded him that the hon. member had disclaimed any such intention³⁸.

"Well then," says MR. GOWAN, "if he disclaims it there is an end to it."³⁹

MR. ATTORNEY GENERAL ((JAMES)) SMITH said, that he felt it his duty to object to the motion of the member for Lanark. In the first place, the petition prayed a grant of money, and that House had no power to originate such grant, without the consent of the Crown. The

crown, through its responsible ministers, had thought proper to refuse its approbation to the prayer of the petitioner. The Government declined to support this petition upon the grounds that the means proposed to be adopted for the benefit of Agriculture were not the best to arrive at the ends sought; the circulation of a journal through a Canadian population, part only of which could read, would do but little good. Therefore had the prayer of the petitioner been refused: but if any member of that House would bring forward a measure which would ensure to the country the good sought, it would receive the hearty co-operation and consent of the Government; but he (Mr. S.) was of opinion that the publication of newspapers which conveyed theory, without the details of practice, was utterly useless.⁴⁰

Upon the Attorney General concluding, there were loud calls upon Mr. Cameron for the name of the person to whom he had alluded.⁴¹

MR. CAMERON ... named Mr. Duggan⁴².

MR. DUGGAN in reply to the accusation made against him by the member for Lanark, felt it was only necessary to remark that he understood what was due to a gentleman, and was prepared to answer for anything he might have said regarding him, but he did not consider that House a proper place to explain private conversations, or to make allusions to matters which occurred outside the walls. In the proper place, he would be prepared to give every explanation and satisfaction to the member for Lanark.⁴³

L'hon. M. MORIN dit qu'il était fâché que le gouvernement n'eût pas mieux secondé les efforts de M. Evans dans une entreprise aussi louable et aussi utile que la sienne. Que l'agriculture méritait d'être encouragée de toutes les manières, et que le journal de M. Evans était assurément calculé à rendre de grand (sic) services au pays sous cet important rapport. Que la pratique était beaucoup, sans doute, en fait d'agriculture, mais qu'elle serait stationnaire ou imparfaite si l'on devait en écarter la théorie. Il ne connaît pas de meilleur moyen pour disséminer les connaissances dont nos cultivateurs ont besoin qu'une publication périodique consacrée à la science de l'agronomie. C'est en vulgarisant la science qu'elle devient réellement utile, et cela est vrai surtout par rapport à l'agriculture. L'hon. et savant monsieur reprend M. le procureur-général pour avoir prétendu qu'un journal comme celui de M. Evans ne serait pas utile, dans la supposition qu'il ne serait pas lu; que c'était là une grave erreur, et que les Canadiens, au contraire, le rechercheraient avec avidité.⁴⁴

MR. BALDWIN rose in order to defend his hon. friend from Lanark, from the injustice which had been done him; and to make a few remarks on what had fallen from the hon. Attorney General. His hon. friend had been complained of for irregularity in this application, because it was he who in the first place wrote to Mr. Evans; now one thing was

sufficiently clear--Mr. Evans was admitted by all parties to have been employed for many years in the diffusion of information upon agricultural pursuits. He would therefore be naturally well acquainted with the best means for obtaining an improvement in the mode of conducting agricultural operations, and it was nothing very extraordinary if his hon. friend from Lanark had applied to him for information as to those means at a time when he contemplated a measure for the encouragement of agricultural societies. If Mr. Evans then asked him to present his petition, he was of course bound to do so.⁴⁵ If the Attorney General meant to say that that House could not make any application of money without the sanction of Government, he was right; but if he meant that that House could not entertain any petition praying for a grant of money, unless it was presented specially by a member of the Government, he was wrong. Without that, it was bound to receive a petition, and might proceed upon it as far as the initiative. With regard to the part played by Captain Higginson in this affair, that gentleman should confine himself to the duties of his office, and not interfere with politics. His honourable friends (Ministry) would find incalculable injury done not only to themselves, but the country at large, if that interference were allowed. The Provincial Secretary was the proper medium of communication; what would be said at home if the Private Secretary were allowed to write letters conveying the views of Her Majesty upon various questions? But it was not possible to occur there, such an impropriety would not be committed. If information went abroad that His Excellency was favourable to this great measure and that great measure, which were not afterwards taken up by ministers, then would the Head of the Government be placed in positive antagonism with his Responsible Ministers. Such a course was not to be tolerated, for no one was more interested than himself in the proper conduct of the Government; and he believed that the hon. Attorney General was prepared to resist such proceedings; if he (M. B.) understood his views, he desired to be treated as a Minister of the Crown, and not as a clerk of the Private Secretary. If Ministers did not do so, and resist every attempt to place them in any other position than that of Responsible Advisors, they would find themselves gradually undermined, and left without support in that House, as they ought to be left in any House. With regard to the conduct of his hon. friend the member for Lanark, that gentleman had read a letter which was the answer to a petition, the petition prayed a grant of public money, the answer therefore appeared on the face of it to be an official communication, and if there had been a misunderstanding upon that subject between Capt. Higginson and Mr. Evans, he did not see that Mr. Cameron should be held answerable for it. With regard to the course taken by Ministers, they had refused to recognize that communication, and declined to grant the prayer of the petitioner in spite of the private wishes of the Governor-General; they had taken the responsibility of that refusal upon themselves, and he honoured them for so doing; it was a manly and straightforward course and that House was bound to support them in it⁴⁶,

as well by Parliamentary usage as by the Union Act to refuse to grant the motion of his hon. friend. The hon. member then gave an example in which Sir Robert Peel then in the opposition made a motion on a petition for a grant to the British Museum and Lord John Russell acquainted the House, that Ministers had been informed of the motion and gave it their support, that, said the hon. member is the course to be taken, when an independent member had charge of business of that kind.⁴⁷ When Capt. Higginson's letter was placed in Mr. Cameron's hands, he could not have been so far in the secrets of the Government, as to know that Ministers had determined to take this course, and he had taken it for granted that it was the answer to the prayer of the petitioner, and naturally expected when he introduced the petition in parliament that Ministers would rise in their places and support it; it was true that the letter coming from the Private Secretary was not formal, but yet as it conveyed the approbation of His Excellency, the conclusion he had come to, was a natural one. Look at the question in what light he could, he still came to the same conclusion, that the member for Lanark had acted in a straightforward, upright manner, that his course had been a candid one, and only dictated by his good feeling, and wish to forward the interests of the petitioner. He knew that hon. gentlemen opposite did accuse those on his side of political trickery, of a wish to embarrass the Government, to throw obstacles in their way, and impede their legislation, but for himself and those with whom he acted, he declared such was not the case.⁴⁸ (He Mr. Baldwin) was desirous that the business of the country should be well conducted, and he had frequently pointed out his views to the Ministry, sometimes publicly, sometimes as they would do him the justice to say in a private or friendly manner on this subject: for he held it to be much more important that these things should be properly understood, than that this or the other motion should be lost or carried. With regard to the petition itself, he was not well satisfied with reasons which had been given for its rejection. No doubt, if larger means were at the disposal of the House, more extensive plans might be adopted for the furtherance of the object contemplated; but as they were not, he could not help thinking that the dissemination of correct information was a means well worthy of consideration.⁴⁹ The petitioner had done much in behalf of the improvement of Agriculture, he had established a magazine not for the purpose of private advantage, although doubtless he had anticipated some remuneration for his labours from it, but in this he had been disappointed, and had subjected himself to a considerable loss. He thought his object worthy of support, but Ministers had decided against it.⁵⁰ There was another periodical published in the Province to which his friend from the North Riding of York had referred the other evening: that paper was also well worthy of encouragement, and he would have been glad to see something done for both of them.⁵¹ Applications of this kind after the refusal of the government, were of the nature of appeals from the administration to the country. It had been stated that unless petitions of this nature were allowed to be

brought forward in the first place in that House, it would place petitioners at the mercy of the government, and subject them to its arbitrary decisions, but such was not the case while an appeal was left them to the Great Council of the nation.⁵² He would recommend his friend to withdraw his motion; and then⁵³ if Ministers had done wrong, they would meet with the condemnation of the country for having done so. - Whether the claims of the petitioner were such as to have entitled him to a different treatment than that he had received, a vote of that house would decide.⁵⁴

MR. ATTORNEY GENERAL ((J.)) SMITH begged leave to explain one remark he had made, it was not incumbent upon Her Majesty's government to introduce measures of this kind, but until they had met with its approbation or condemnation, it was not competent for that House to take up the question. If the House decided to refer the petition to a special committee, the main question would be left for discussion at a future period, upon the presentation of its report.⁵⁵ The Government had considered that there were better means of assisting agriculture, than by the means of newspapers, which were unread by a large portion of the population.⁵⁶

MR. AYLWIN regretted that the Attorney-General had expressed the opinions which he had laid before the house: he (Mr. Aylwin) felt sure he would find himself entirely wrong.⁵⁷ He quite concurred in the opinions that had fallen from his hon. friend on the right, (Mr. Baldwin,) and was not satisfied with the reasons assigned by the Ministry for their non-concurrence in the object of the petition.⁵⁸ He was sure the reasons given for refusing the grant, would not satisfy any member of that House. Those reasons were that the books were of a theoretical character and that they would not be appreciated by the people for whom they were intended.⁵⁹

The Attorney General ((MR. J. SMITH)) said, that it was time to go into that part of the subject which he conceived quite a minor one, when the first part had been decided - namely, whether a Petition asking for pecuniary aid could be received by the House unless it originated with the Ministry?⁶⁰

MR. AYLWIN said, that in his opinion, the major part of the question, as the Attorney General laid it down, would be found to be the minor, and that hon. gentleman would soon find his major in the wrong. He then referred to the member for Huron and the opinion which he had given a night or two ago upon the encouragement which ought to be given to Agriculture.⁶¹ He saw no reason why the people of Canada should not be as able to apply theoretical information to the improvement of their old habits as the people of a neighbouring country.⁶² Let the Government explain why they had refused encouragement and support to Mr. Evans; a man who had been the means of circulating the most extensive and useful information on this, the most important of all

subjects, for the prosperity of Canada. In the British House of Commons there could never be a discussion on such a question as this. If the advisers of Her Majesty had seen fit to refuse to recommend any pecuniary aid, and this refusal had been in secret, they would still feel bound to explain it in public. The reason given by ministers was no reason at all. They asserted that writings on agricultural subjects being mostly theoretical, were seldom read and but little understood. But he maintained that such theories as were good were easily reduced to practice. - When the hon. gentleman states that but few of the population are able to read works of this kind, he is lowering the country: even had he himself (Mr. Aylwin) believed such to be the fact, he should nevertheless fear to express it. It was evident that the objects of Mr. Evans were approved by the Governor General, and also by Capt. Higginson, through whom His Excellency had transmitted the donation which evinces his own liberality and his approval of Mr. Evans' praiseworthy exertions, and also proves that on this question at least the private feelings of His Excellency are in "antagonism" with those of his ministers. He (Mr. A.) would like to know of the hon. gentlemen on the Treasury benches, if among the items of expenditure set down for 1845, they could find a sum that was better applied than £400 or £500 would be for this; there might be some items as for hospitals, lunatic asylums, &c., which stood perhaps in a higher position; but he would better like to see the Legislature voting large sums of money to be spent in promoting the improvement of Agriculture, than in supporting the Colleges and Universities with which the country was so numerously studded. The measure might not meet the approval of the members of that House, but he was sure it would be most warmly taken up by their constituents.⁶³

Several honorable members here interrupted the member for Quebec, by saying that they did approve the prayer of the petition.⁶⁴

Then (continued MR. AYLWIN) why does the majority of this House appear to wish to put a stop to its discussion; why interfere between the Governor General and his liberal wishes; why try to prevent Mr. Evans from obtaining his merited and just reward. A message had been brought down to that House, he believed, on Friday last, recommending a gentleman who had been in the army to a pension for services to the country. That gentleman had enjoyed a civil situation for some years, which had very little duties attached to it; his sons had also been provided for; he had done no more, that he knew of than scores of other Captains and Lieutenants in an army whose officers were always famous for their gallant conduct: he confessed he could not see why he should be rewarded by the Civil Government. He could not see why if the case of this gentleman was to be provided for out of the public funds, Mr. Evans' should not also be. - He was very glad that this matter had come up. - It was said that that House wasted its time in theoretical discussions, but it was only by questions of this kind that we can

establish good principles and work out good government, aye and induce practical measures.⁶⁵ The hon. gentleman then advised his friend to withdraw his motion.⁶⁶ The claim of Mr. Evans is right, and he is justly entitled to it; the Government is wrong in its decision, but as they have a majority I shall vote against the motion of my hon. friend the member for Lanark. I shall give up the question until there is a more liberal administration. He thought he was a little deeper in the ministerial secrets than they supposed; and he believed he could tell them the reason why Mr. Evans' application was refused - the fact was the public finances were not in such a flourishing state as they had represented them to be.⁶⁷

Cries of "No, No."⁶⁸

Had this reason been given, ((continued MR. AYLWIN,)) had the ministers refused the application on the principle of being just before they were generous he would have cordially supported them. - Mr. Evans was clearly wrong in writing to Captain Higginson, who was in fact nobody; Capt. H. was the proper person to apply to if he merely wished to ask private assistance from the Governor General's liberality, and he felt it his duty to censure Mr. William Evans for not having made his application through the Provincial Secretary. He could recognise no other organ of communication. It was however a very venial error of Mr. Evans for he had known persons of much higher standing do the same thing; and he believed that this fact was well known to the hon. member for Megantic. He regretted that the letter had been read at all by the hon. member for Lanark; such a recommendation could not be received, as Capt. Higginson was but the servant of His Excellency, the menial who received his pay for doing his scrivener's work. He very much wondered that the hon. member for Leeds, should have repeated a private conversation which could have no other effect than to cause a dissension between the petitioner and the member for Lanark. Was that proper? If the conversation had occurred before a thousand witnesses he ought not have repeated it. He (Mr. Aylwin) must also say that he thought the mode adopted by the member for the Second Riding of York, in replying to the hon. member for Lanark, was very unparliamentary. The member for Lanark had merely stated a fact, and if the member for the Second Riding of York had differed from him in opinion he should have explained. The sort of appeals alluded to by the member from Second Riding were intended only for the private ear, and he wondered that the Speaker had not interfered with conduct so grossly unparliamentary, by calling the hon. member to order.⁶⁹

MR. DUGGAN said, he did not see that he had done anything to cause his being called to order.⁷⁰

MR. AYLWIN said, that any member of that House was liable to be addressed by another; and thought that before members indulged in the sort of language that had just taken place they should take a leaf

out of his (Mr. A.'s) book; there was no member that was so easily called to order as himself. - (Loud cries of hear, hear, and prolonged laughter). Hon. members should learn not to be so ready to take offence, "petimus que, dama, que vicismus;" in other words we must give and take. The hon. member would not longer trespass on the time of the House and sat down hoping that the member for Lanark would withdraw his motion.⁷¹

The Solicitor-General ((MR. H. SHERWOOD)) said, that as the member for Lanark had introduced his name, he would just explain, that in the course of conversation he had heard it stated, that in reading the letter from Captain Higginson, the hon. member for Lanark had omitted that part of it which mentioned the pecuniary donation; he had since understood that he was mistaken, and now expressed his belief that the member for Lanark was correct. The hon. member for Quebec says, that he is quite delighted with the motion of the hon. member for Lanark, but that he shall vote against it. Why then has the hon. member troubled the House with the speech he has just delivered? Was it because the hon. member thought it a good opportunity for making a speech or that he wished to prove that the executive were fighting against the principles of Responsible Government; or was it for the purpose of having a swipe at that gentleman, who was designated by the papers in the interest of hon. gentlemen opposite as the Canadian Lord Bute? He could not conceive that the course taken by the hon. gentleman would be favourable either to the interests of the Petitioner or to the working out of Responsible Government. He was decidedly of opinion that the hon. member for Lanark should not have read the letter of Captain Higginson. That hon. member had during his whole public life been contending for the principles of Responsible Government, had he understood those principles he would not have read it; and if he had read it understanding these principles, he must have read it for a purpose which he could not consider correct. He would maintain that all applications for aid must be submitted to that House by the executive; and he believed that the course pursued by the member for Lanark was a scheme contrived to bring Her Majesty's Government into contempt for refusing their aid to support Agriculture. Some hon. members might be pleased at the introduction of this little document as calculated to knock the legs from under the Ministry, but he could tell the gentlemen opposite that he should consider a thousand letters from a Private Secretary, but as so much blank paper, unless the contents of them were previously approved of by the constitutional advisers of the Crown. There was evidently no intention on the part of Capt. Higginson to make this letter the basis of recommending the prayer of the petition to the consideration of the House. If Capt. Higginson appeared there with a whole bundle of letters he would not notice one of them. He would ask the hon. member for the Fourth Riding of York if he would support a measure because it was recommended by Capt. Higginson at the desire of the Governor General? The hon. member here read Capt. H.'s letter again and said that Mr. Evans should have known better than to allow this

letter to be read for the purpose of enforcing his petition. The Executive, as private individuals, might be disposed to favour Mr. Evans' petition, but as a Government they were not disposed to recommend it, for the reasons given by the Hon. Attorney General. They thought that there were other and better ways of supporting agriculture, and that the circulation of a newspaper was not the best mode that could be adopted. If recommended by the House the Government would give their cordial support for a Committee for a general inquiry, and would exert themselves to carry out the support presented by such a Committee. If hon. members should support the Petition as it stood they would do it in violation of the Union Act which provided that no money bill should be passed without the recommendation of the Head of the Government and also against the opinion of a majority of that House who were in favour of a general measure for the encouragement of agriculture.⁷²

DR. DUNLOP made a few remarks in support of the reference of the petition, which appeared to be combatted upon the grounds that it interfered with the principles of Responsible Government, to which he had always been, and ever would be opposed.⁷³ ((He)) pleased himself with the thought that he was the very John Knox of Responsible Government, and had converted a very little man into a very great one. Like his brother Apostle Paul at Ephesus, he was for four years fighting with wild beasts, and had at least conquered some of them. (Laughter.)⁷⁴

MR. HALE had understood the hon. gentlemen who had spoken upon the opposition benches to say that they would vote against the referring of the petition, their arguments had borne that tendency, and he did not think that they would say one thing and do another. Upon previous occasions he had heard them reiterate assurances of having no intention of embarrassing the Government, of not wishing to offer it any factious opposition--but he confessed that he had not believed them, neither had their subsequent conduct induced him to alter his opinion. But now he was prepared to think differently, he called upon them to redeem the pledge which they had given, and support the Government in its endeavours to carry out the true principles of Responsible Government. He was at a loss to conceive how the members for Lanark and Bellechasse could, in future, vaunt their adherence to Responsible Government, after having come down to that House, and held forth a letter from the Private Secretary of His Excellency, as an official document. The member for Lanark had been for years a consistent supporter of Responsible Government and he believed that he must repudiate the construction which he had himself attempted to put upon that document. The member for Quebec had designated one of the highest officers of the government as a menial; the gentleman to whom this unworthy language was applied he (Mr. H.) had known for years, and he would say that he was worthy of the friendship of the Governor General; he repudiated such language as disgraceful to him who uttered it, and a slur upon the officer to whom it was applied. He (Mr. H.) repudiated the construction which had been

attempted to be put upon the letter of Capt. Higginson; the member for Lanark had built an immaterial fabric upon an unstable foundation; that letter had conveyed merely the private sentiments of the Governor General, as an individual, and had been accompanied on this, as upon a thousand other occasions, with the generous contribution of a well filled purse; leave had been given to make use of that letter, but it was never contemplated that it would be turned to that purpose it had been,--there never was sanction given for its presentation to the Legislature as a recommendation. His hon. friend Mr. C. pretended that he had believed it ((to)) be so, he had said that it was recived (sic) in answer to a petition, it was no such thing, but merely a reply to a private letter. He called upon him who had been the cause of this debate to relieve the whole House of the dilemma in which it was placed, and withdraw his motion. For his own part, he came from a county which derived its support from Agriculture, and both himself and the rest of the Township members would be the foremost in supporting any good measure for its benefit, and he would therefore move in amendment that all after the word "that" be expunged, and a motion inserted in the place thereof naming a Committee to enquire into the best means of forwarding the advancement of Agriculture, whether by the establishment of Agricultural Societies, by Agricultural publications, Model Farms, or any other means.⁷⁵

MR. ((H.)) SHERWOOD would bring under the notice of the House a case somewhat similar to the present, in which Mr. Rouch a member of the British House of Commons, in introducing a petition for a grant of money, said that he had obtained the sanction of the government thereto, and requested leave to read a letter from the Chancellor of the Exchequer giving that permission, in his absence, but the Speaker would not allow it, and the House ruled that no sanction could be received unless from a member of the government in his place in the House.⁷⁶

MR. ROBLIN spoke at some length on the "antagonism" which the letter of Capt. Higginson would seem to indicate. The hon. member had not understand (sic) it to be responsible government for his Excellency to say he would 'rejoice' in the Legislature granting what His Council had determined ought not to be granted. Mr. Roblin also remarked that he was surprised at the difference which appeared between the statement made by the hon. member for Leeds in his place in the house the other night in reference to the manner in which the hon. member for Lanark became acquainted with Mr. Evans, and that contained in the letter from Evans which had just been read by Mr. Cameron.⁷⁷

MR. GOWAN here asked, what is the difference?⁷⁸

Why, replied MR. ROBLIN, it is this: the hon. member for Leeds stated that Mr. Cameron had foisted himself upon Evans, and the letter from Evans says distinctly that such is not the truth.⁷⁹

((MR. JOHNSTON spoke next.))⁸⁰

MR. PRICE ((referring back to Mr. Hale's remarks,)) replied ... that he and his friends were not going to inflict a blow on the true principles of Responsible Government for the mere purpose of placing the Ministers in a minority upon a question, in which for once at any rate, they were right - that Mr. Hale might have saved himself the trouble, but he was unable to account for the perfect indifference which the Ministers had shown to the great agricultural interests of the Province. Not one word regarding those interests was to be found in the Speech from the Throne. Not one step had the Government taken to enquire into the best mode to forward those great interests upon whose prosperity depended the prosperity of the Province and upon those interests alone. He stated that he should sustain the Ministers on that occasion, but called upon them to originate some scheme by which the interests of the farmers might be attended to.⁸¹

M. CAMERON dit qu'il avait bien pensé que le mode qu'il avait suivi dans la présentation d'un document constatant l'assentiment du gouverneur à la demande de M. Evans devant la Chambre n'était pas exactement conforme à ses notions du gouvernement responsable, et aurait suivi une autre marche sous la dernière administration; mais que dans l'ignorance où les membres de l'administration actuelle laissait la Chambre sur leurs attributs, on était parfaitement justifiable d'agir comme il l'avait fait. L'hon. membre cita la pétition de Beauharnais et d'autres instances, où les ministres actuels laissée (sic) référer à des comités des demandes d'argent. Que d'ailleurs le précédent invoqué par l'honorable membre pour Toronto faisait voir que des hommes bien autrement versés que lui (M. Cameron) dans les procédés constitutionnels étaient, en Angleterre même, tombés dans la même erreur que lui, et cela, au besoin, suffirait pour le justifier. Il rappelle que, s'il peut y avoir objection à la manière dont la lettre avait été communiquée à la chambre, elle ne laisse cependant aucun doute sur un fait important, c'est que Son Excellence approuve une mesure que ses ministres désapprouvent, et M. Cameron cite le paragraphe de la lettre où il est dit en termes formels (sic) que Son Excellence se réjouira de voir l'assemblée seconder la louable entreprise de M. Evans.⁸²

MR. DUGGAN in answer to what had been said by Mr. Aylwin, observed that he had not been actuated by any hostile feeling to the observations he had previously made, but merely intended to convey to the House that if he had done the member for Lanark any wrong, he was willing to afford the necessary explanation, and to afford him all the satisfaction of reparation which lay in his power; he considered the matter strictly private and that it could not therefore be a matter of discussion in the House.⁸³

MR. CAMERON was willing, as the motion appeared not to be strictly

in order, and had embarrassed the Government - 84

"That is it," from MR. BALDWIN.⁸⁵

((MR. CAMERON resumed:))--To withdraw it; and he conceived it better to withdraw the amendment also, and allow it to be put at a future time, as an original motion.⁸⁶

MR. GOWAN thought the question a most important one, the decision of which would govern the conduct of Parliament in future, as it would decide whether the House could refer a petition without the consent of the Crown. The member for the Fourth Riding of York had designated the motion as an appeal from the Administration to the country, and he perfectly agreed with him. The petition was not a Bill, to which the clause in the Union Act referred. He was not prepared to give up the right of petition to any Administration; he conceived the House had a perfect right to receive every petition, and to deliberate on its substance; whether they had a right to initiate a Bill thereupon was another matter.⁸⁷

((There were)) some observations from MR. MERRITT⁸⁸.

After some further discussion, the amendment was put and lost⁸⁹.

The original motion ... ((was)) withdrawn ((by MR. CAMERON.))⁹⁰

FOOTNOTES - 13 JANUARY 1845.

1. The debate on this matter was reported by: ST. CATHARINES JOURNAL, 23 January 1845; in identical reports in the KINGSTON CHRONICLE, 18 January 1845, and the BRITISH WHIG, 17 January 1845, copied from the MONTREAL HERALD; and the MONTREAL GAZETTE, 14 January 1845.
2. KINGSTON CHRONICLE, 18 January 1845.
3. MONTREAL GAZETTE, 14 January 1845.
4. KINGSTON CHRONICLE, 18 January 1845.
5. IBID.
6. MONTREAL GAZETTE, 14 January 1845.
7. KINGSTON CHRONICLE, 18 January 1845.
8. IBID.
9. According to the ST. CATHARINES JOURNAL, 23 January 1845, "It appeared that on Saturday Dr. Dunlop had mistaken the time appointed for the sitting of the committee...."
10. According to the KINGSTON CHRONICLE, 18 January 1845, BRITISH WHIG, 17 January 1845, and ST. CATHARINES JOURNAL, 23 January 1845, this resolution was made somewhat later on in the proceedings, after Lantier's withdrawn motion on this subject.
11. KINGSTON CHRONICLE, 18 January 1845. This motion, subsequently withdrawn, is inserted in the text of the JOURNALS rather than in the Appendix, because the newspapers reporting it all clearly indicate and agree upon its location.
12. KINGSTON CHRONICLE, 18 January 1845.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. The debate on this matter was reported by: MONTREAL GAZETTE, 16 January 1845, and the GLOBE, 21 January 1845, in identical accounts. Because the GLOBE is more legible than the MONTREAL GAZETTE, the report of the following exchange is transcribed from the GLOBE.
18. GLOBE, 21 January 1845.
19. IBID.
20. IBID.
21. IBID.
22. The debate on this matter was reported by: MONTREAL GAZETTE, 16 January 1845, and the GLOBE, 23 January 1845, in identical accounts. Because the GLOBE is more legible than the MONTREAL GAZETTE, the report of the following exchange is transcribed from the GLOBE.
23. GLOBE, 23 January 1845.
24. LE JOURNAL DE QUEBEC, 18 January 1845.
25. The debate on this matter was reported by: MONTREAL GAZETTE, 16 January 1845, and GLOBE, 21 January 1845, in accounts which are identical except that in the GLOBE some speeches have been omitted entirely; PILOT, 15 January 1845, whose account was copied by the BROCKVILLE RECORDER, 23 January 1845; LE JOURNAL DE QUEBEC, 18 January 1845; LA MINERVE, 16 January 1845; EXAMINER, 22 January 1845; and the

MONTREAL TRANSCRIPT, 14 January 1845, and KINGSTON NEWS, 23 January 1845, in identical accounts. The ST. CATHARINES JOURNAL, 23 January 1845, noted the debate, and there were commentaries in the GLOBE, 21 January 1845; LA MINERVE, 16 January 1845; and LE JOURNAL DE QUEBEC, 18 January 1845.

26. EXAMINER, 22 January 1845.

27. PILOT, 15 January 1845. The complete text of this letter is found in the EXAMINER, 29 January 1845, and is as follows:

Private Secretary's Office }
Montreal, December 24, 1844. }

SIR.- I have had the honour to lay before the Governor-General your letter of the 14th instant. His Excellency highly appreciates the exertions you have been making, for many years past, in the cause of Agricultural improvement, which is calculated to bestow so many essential advantages on the Province; the great majority of the Inhabitants deriving their subsistence from no other source than the produce of the land which they cultivate. His Excellency will rejoice if the Legislature think proper to aid your laudable enterprise. I beg to return the enclosed letter, which is very complimentary to you, and beg to add that, there is no doubt your suggestions for the more beneficial operation of Agricultural Societies, of which the Governor-General has always been an ardent promoter, are well founded and worthy of attentive consideration, whenever the means of carrying them out are available.

I have the honour to be, Sir,

Your obedient and humble Servant,

(Signed)

J. M. HIGGINSON

28. MONTREAL GAZETTE, 16 January 1845.

29. EXAMINER, 22 January 1845.

30. PILOT, 15 January 1845.

31. MONTREAL GAZETTE, 16 January 1845.

32. IBID.

33. IBID.

34. IBID.

35. GLOBE, 21 January 1845. This passage is much clearer in the GLOBE than in the MONTREAL GAZETTE.

36. PILOT, 15 January 1845.

37. IBID.

38. IBID.

39. IBID.

40. GLOBE, 21 January 1845. This passage is much clearer in the GLOBE than in the MONTREAL GAZETTE.

41. EXAMINER, 22 January 1845.
42. MONTREAL GAZETTE, 16 January 1845.
43. IBID.
44. LA MINERVE, 16 January 1845.
45. EXAMINER, 22 January 1845.
46. MONTREAL GAZETTE, 16 January 1845.
47. EXAMINER, 22 January 1845.
48. MONTREAL GAZETTE, 16 January 1845.
49. EXAMINER, 22 January 1845.
50. MONTREAL GAZETTE, 16 January 1845.
51. EXAMINER, 22 January 1845.
52. MONTREAL GAZETTE, 16 January 1845.
53. EXAMINER, 22 January 1845.
54. MONTREAL GAZETTE, 16 January 1845.
55. IBID.
56. MONTREAL TRANSCRIPT, 14 January 1845.
57. EXAMINER, 22 January 1845.
58. MONTREAL GAZETTE, 16 January 1845.
59. EXAMINER, 22 January 1845.
60. MONTREAL GAZETTE, 16 January 1845.
61. IBID.
62. EXAMINER, 22 January 1845.
63. MONTREAL GAZETTE, 16 January 1845.
64. IBID.
65. IBID.
66. EXAMINER, 22 January 1845.
67. MONTREAL GAZETTE, 16 January 1845.
68. IBID.
69. IBID.
70. IBID.
71. IBID.
72. IBID.
73. IBID.
74. EXAMINER, 22 January 1845.
75. MONTREAL GAZETTE, 16 January 1845.
76. IBID.
77. PILOT, 15 January 1845.
78. IBID.
79. IBID.
80. MONTREAL TRANSCRIPT, 14 January 1845.
81. EXAMINER, 22 January 1845.
82. LA MINERVE, 16 January 1845.
83. MONTREAL GAZETTE, 16 January 1845.
84. IBID.
85. IBID.
86. IBID.
87. IBID.
88. GLOBE, 21 January 1845.
89. MONTREAL TRANSCRIPT, 14 January 1845.

90. PILOT, 15 January 1845. MONTREAL GAZETTE, 16 January 1845, and GLOBE, 21 January 1845, reported that Hale's amendment was withdrawn rather than lost on division; MONTREAL TRANSCRIPT, 14 January 1845, PILOT, 15 January 1845, and EXAMINER, 22 January 1845, reported that it was lost on division.

TUESDAY, 14 JANUARY 1845.

(137)

Petitions
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Leslie, the Petition of L. Baribeau and others, pilots for the port of Montreal, and between Quebec and Montreal.

By Mr. Chalmers, the Petition of John Paterson and others, of the village of Dundas, in the district of Gore; and the Petition of John Brown and others, of the townships of Trafalgar and Esquesing, in the district of Gore.

By the Honourable Mr. Morin, the Petition of E. L'Espérance and others, of the city and parish of Montreal, and other places.

By the Honourable Mr. Baldwin, the Petition of Joseph R. Thompson and others, of the township of Brock, in the Home district; and the Petition of Benjamin Mattheuman and others, lessees of the Clergy Reserves, and others, in the township of Nelson, in the district of Gore.

By Mr. Sherwood, of Brockville, the Petition of the Reverend Edward Derroche and others, members of the United Church of England and Ireland, in the town of Brockville, in the diocese of Toronto.

By the Honourable Mr. Solicitor General Sherwood, the Petition of Andrew Tod, of the city of Toronto, land agent, in behalf of certain commuted pensioners.

By Mr. Jessup, the Petition of the Reverend Robert Blakey and others, members of the United Church of England and Ireland, in the town of Prescott and its vicinity, in the diocese of Toronto; and the Petition of Thomas King and others, of the township of Edwardsburgh, in the district of Johnstown.

By Mr. Brooks, the Petition of J. H. Dorwin and others, of the township of Rawdon.

By Mr. Lawrason, the Petition of David Griffin and others, of the township of Bayham, in the district of London.

By Mr. Méthot, the Petition of Charles Palmer and others, of the township of Blandford, in the district of Nicolet.

By the Honourable Mr. DeBleury, the Petition of Patrick Brennan, of the city of Montreal.

By the Honourable Mr. Aylwin, the Petition of Henry LeMesurier,

Esquire, and others, of the city of Quebec.

By Mr. Ermatinger, the Petition of John Arthurs and others, of the township of Adelaide.

Norfolk con-
tested Election.

The Honourable Mr. Morin, from the Select Committee appointed to try the merits of the Petition of David Duncombe, Esquire, late a candidate for the county of Norfolk and others his supporters, complaining of the undue election and return of Israel Wood Powell, Esquire, Sitting Member for the said country, reported to the House, that the Committee met this day according to appointment, but could not proceed to business in consequence of the absence of the Honourable Mr. Papineau, a Member of the said Committee.

Resolved, That as the Honourable Mr. Papineau has absented himself from the said Committee by reason of sickness, he be excused.

Grenville con-
tested Election.

Mr. Prince, chairman of the Select Committee appointed to try the merits of the Petition of William Harris and others, freeholders of the county of Grenville, in the district of Johnstown, complaining of the undue election and return of Hamilton D. Jessup, Esquire, Sitting Member for the said county, reported to the House, that the Committee met this morning at ten o'clock, pursuant to adjournment, but in consequence of the absence of the Honourable Mr. Papineau, they were unable to proceed to business.

Resolved, That as the Honourable Mr. Papineau has absented himself from the said Committee, by reasons of sickness, he be excused; and that the said Committee have leave to proceed to business notwithstanding the absence of the said Honourable Mr. Papineau.

Lanark con-
tested Election.

Mr. Hale, from the Select Committee appointed to try the merits of the Petition of Alexander Fraser, Esquire, late a candidate for the county of Lanark at the last election; the Petition of William Duncan and others, freeholders of the county of Lanark; and the Petition of W. A. Playfair, senior, and others, freeholders, of the county of Lanark, severally complaining of the undue election and return of Malcolm Cameron, Esquire, Sitting Member for the said county, reported to the House, that the Committee met this day according to appointment, but could not proceed to business in consequence of the absence of Mr. Watts, a Member of the said Committee.

Resolved, That Mr. Watts, having sufficiently explained the cause of his absence, be excused.

North Riding
Lincoln.

Mr. Lantier, chairman of the Select Committee, appointed to try the merits of the Petition of Samuel Wood and others, electors of the North Riding of the county of Lincoln, district of Niagara, complaining of the undue election and return of William Hamilton Merritt, Esquire, Sitting Member for the said North Riding of the county of Lincoln, reported to the House, that the Committee met this morning at eleven o'clock, pursuant to adjournment, but in consequence of the absence of the Honourable Mr. Papineau, they were unable to proceed to business.

Mr. Lantier moved, seconded by Mr. Prince, that as the Honourable Mr. Papineau has absented himself from the said Committee, by reason of sickness, he be excused, and that the said Committee have leave to proceed to business, notwithstanding the absence of the said Honourable Mr. Papineau.¹

The Attorney General ((MR. J. SMITH)) objected to the motion as it would have the effect of excluding Mr. Papineau from sitting on the committee, and there was no necessity for it, as the committee had agreed to adjourn over until to-morrow in consequence of a request to that effect by the petitioners agent.²

MR. LANTIER was surprised at hearing the objections of the Hon. Attorney General. It was true that the committee had adjourned over, but it was merely because the gentleman conducting the petition demanded a delay, and not to enable Mr. Papineau to take his place. Col. Prince had made a similar motion, and not a single objection was made to it.³

The Attorney General ((MR. J. SMITH)), showed that a great difference existed between the two cases. In the Grenville election petition, no demand was made on the part of the petitioners for delay, but in this case there was a demand for a delay of twenty-four hours; and if, on the contrary, they expressed a wish to proceed to business immediately, he would not have attempted to oppose it.⁴

MR. LAFONTAINE could not understand some thing in this, in the Grenville case there was no objection whatever to Mr. Papineau's being excused, another exactly similar motion was now made urging the same reason, Mr. Papineau's illness, and the Attorney General had a great objection to its being passed. He apprehended it would not have the effect of excluding that gentleman from the committee as argued by the Attorney General.⁵

The Solicitor General ((MR. H. SHERWOOD)) was of opinion that this motion would have the effect of excluding Mr. Papineau from the committee, by the law, if the committee met and performed any business, he could not sit in it again. If that were done then the committee would be reduced to ten, and it was well known that nothing caused more heart burning and dissension, than such a reduction, the chairman appropriated

then two votes to himself and every thing was thrown into confusion. He therefore hoped the hon. gentleman would withdraw his motion. If he did not, he (the Solicitor General) would call on the house to negative it.⁶

MR. AYLWIN remarked that from the manner of the Attorney and Solicitor Generals, they appeared to take great interest in rejection of the motion. He would, however, for once in his life, vote with them most heartily.⁷

COL. PRINCE expressed an opinion that members of the administration ought not to be chosen as members of election Committees.⁸

MR. WILLIAMS explained that if a member of a Committee is absent from one sitting of a Committee, it excludes him from taking any further part in the proceedings.⁹

((MESSRS. LAFONTAINE and the ATTORNEY GENERAL MR. J. SMITH)) followed¹⁰.

((MR. Williams')) position was supported by MR. ((H.)) SHERWOOD, who quoted the Act, of Parliament which positively lays it down.¹¹

The motion ... ((was)) ... put.¹²

MR. LANTIER wished to withdraw it¹³.

The Speaker ((SIR A. MACNAB)) decided that the question must be put¹⁴.

(137)

The question having been put upon the said motion, a division ensued, and it passed in the negative.

On motion of Mr. Duggan, seconded by Mr. Prince,

West Riding
Halton. *Resolved, That this House do nominate, and appoint, under the hand and seal of Mr. Speaker, three Commissioners for the purpose of examining the witnesses of the parties in the matter of the controverted election for the West Riding of the county of Halton, and that Miles O'Reilly, John O'Hatt, and Samuel B. Freeman, all of the town of Hamilton,*

(138)

Barristers at Law, be such Commissioners, who shall be authorized and empowered to hold their several sittings at the town of Guelph, in the district of Wellington, on the second Monday in February next, with John O'Hatt, Esquire, as chairman of the said, Commission, and that the said Commissioners be also subsequently at liberty, to sit at Galt and Fergus.

Gaspé Fishery
and Coal
Mining.

An engrossed Bill to approve of and confirm an Act of the Imperial Parliament of Great Britain, to incorporate the Gaspé Fishing and Coal Mining Company, was read for the third time.

Resolved, That the Bill do pass, and the title be "An Act to approve and confirm an Act of the Imperial Parliament of Great Britain, relating to the Gaspé Fishing and Coal Mining Company."

Ordered, That Mr. Christie and Mr. Le Boutillier do carry the said Bill to the Legislative Council, and desire their concurrence.

District of
Wellington,
Land Tax.

An engrossed Bill, to provide more effectually for the collection of certain arrears of taxes on lands, in the district of Wellington, was read for the third time.

Mr. Webster moved, seconded by Mr. Chalmers,

That the following engrossed clause, marked A, be added to the said Bill, by way of rider, and do make part thereof:--

CLAUSE A.

And whereas, there may be in divers others of the newer Districts in Upper Canada, lands on which there may be due, taxes, of which some portion accrued while such lands formed part of some older District, and it is expedient to avoid the doubts which may arise in any such case, and to make provision for that purpose, similar to that hereinbefore made, with regard to the District of Wellington; Be it therefore declared and enacted, that in every such case, the arrears of taxes are and shall be payable to and recoverable by the District Treasurer of the newer District and to him only, and all such arrears of taxes shall be subject to the same rate of increase for non-payment, and shall be recoverable and leviable by the sale of the lands on which they shall have accrued or otherwise, in the same manner, under the same provisions, and at the same time, as if such newer district had been constituted and erected as a separate and distinct district, at least eight years before the passing of this act, and the said lands had during the same period formed part thereof, and been assessed therein: Provided always, that out of all sums received for such arrears of taxes as aforesaid, the District Treasurer of such newer district shall pay over to the District Treasurer of the older district, such sums as may under the provisions of the Act under which the newer district was constituted, belong to the older district from which the lands were detached.

The said clause being thrice read, and the question being put thereon, it was agreed to by the House.

Resolved, That the Bill do pass, and the title be, "An Act to provide more effectually for the collection of certain arrears of taxes on lands in the district of Wellington, and other districts, and better to define the limits of the said district of Wellington."

Ordered, That Mr. Webster and Mr. Chalmers do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions
referred.

Sundry Peti-
tions from
Members of the
Established
Church.

Ordered, That the Petition of Captain David Boyd and others, members of the United Church of England and Ireland, in Chippewa and its neighbourhood; the Petition of the Reverend George Grout and others, members of the United Church of England and Ireland, in the township of Grimsby, in the district of Niagara; the Petition of the Reverend A. F. Atkinson and others, members of the United Church of England and Ireland, in St. Catharines and its vicinity, in the diocese of Toronto; the Petition of the Reverend George Mortimer Armstrong and others, members of the United Church of England and Ireland, in the township of Louth and parts adjacent, in the diocese of Toronto; and the Petition of the Reverend John Anderson and others, members of the United Church of England and Ireland, of Fort Erie and its vicinity, in the diocese of Toronto, be severally referred to the Select Committee to which was referred the Petition of the Church Society, of the diocese of Toronto, and other references.

Rev. T. Pepin
and others.

Ordered, That the Petition of the Reverend Thomas Pepin and others, of the county of Chambly, be referred to the Select Committee to which was referred the Petition of Michel Houle and others, of the city of Montreal, carters, and other references.

Reverend C. J.
Primeau.

Ordered, That that part of the Petition of the Reverend C. J. Primeaux and others, of the parish of Ste. Anne de Varennes, which relates to winter roads and vehicles, be referred to the said Committee.

Reverend J. C.
Taylor.

Ordered, That the Petition of the Reverend Robert J. C. Taylor and others, members of the United Church of England and Ireland, in the town of Peterboro' and its vicinity, in the diocese of Toronto, be referred to the Select Committee to which was referred the Petition of the Church Society, of the diocese of Toronto, and other references.

James Bishop.

Resolved, That the Petition of James Bishop, of the parish of St. Sylvester, in the county of Lotbinière, be referred to a Select Committee, composed of Mr. Laurin, the Honourable Mr. Morin, the Honourable Mr. Aylwin, the Honourable

Mr. Daly, Mr. Taché, and Mr. Chabot, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

C. Juneau de Montreuil.

Resolved, That the Petition of Charles Juneau de Montreuil, of the city of Quebec, be referred to a Select Committee, composed of Mr. Laurin, the Honourable Mr. LaFontaine, the Honourable Mr. Attorney General Smith, Mr. Jobin, Mr. Lacoste, and Mr. Armstrong, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

City of Quebec.

Ordered, That the Petition of the Mayor, Aldermen, and citizens of the City of Quebec, (relating to the Dorchester Bridge,) be referred to the Select Committee, to which was referred the Petition of J. G. Tourangeau and others, inhabitants of the city of Quebec and its vicinity, and other references.

J. P. Anderson and others.

Ordered, That the Petition of John P. Anderson and others, of Quebec, be referred to the Select Committee, to which was referred the Petition of Edward Glackemeyer, Esquire, acting Mayor of the Corporation of the city of Quebec, (relating to the Ordinances incorporating the said city), and other references.

Medical School City of Montreal.

Mr. Scott, from the Special Committee to which was referred the Petition of Francis C. T. Arnoldi, M. D. and others, lecturers and students, in and of the medical school in the city of Montreal, called the college of Medicine and Surgery; and also the Petition of

(139)

A. F. Holmes, M. D. and others, the Faculty of Medicine of the University of McGill College, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee having examined the Petitions referred to them, are unanimously of opinion, after mature deliberation, that the prayer of the Petitioners, F. C. T. Arnoldi and others, Lecturers and Students in and of the College of Medicine and Surgery, should be granted.

Ordered, That the said Report be taken into consideration to-morrow.

Humber Harbour Company.

Mr. Boulton, from the Select Committee to which was referred the Petition of William Gamble and others, inhabitants of the Home district, with power to report, by Bill or otherwise, presented to the House a Bill to incorporate certain persons under the name and style of the President, Directors, and Company of the Humber Harbour and Road Company, which was received and read for the first time, and ordered to be read a second

time, on Wednesday the twenty-second instant.

MR. MORIN¹⁵ moved, seconded by MR. CHAUVEAU, that the committee on the petition of Mr. McPherson, be instructed to enquire into the best means for protecting the fowls on the coast of Labrador, and their eggs; and preserving them for the people of this Province. The hon. gentleman ((Mr. Morin)) stated that great destruction was produced on that coast by the American sailors, and he wished that instructions be given to officers of the navy which would prevent these outrages.¹⁶

(139)

Petition of J.
Macpherson
and others, of
Crane Island.

Ordered, That the Special Committee, to which was referred the Petition of John M'Pherson and others, inhabitants of Crane Island, and of the parishes of St. Thomas, Cap St. Ignace, and other places, have leave to report from

time to time; and also that it be an instruction to the said Committee to inquire into the best means of preserving and protecting for the use and wants of the resident inhabitants, the sea fowls which harbour on the coast of Labrador, and islands adjacent, and their eggs; and of preventing the destruction or carrying away of the same for trading purposes, by persons not belonging to this Province.

COL. PRINCE¹⁷ had left the House last evening at half past eleven o'clock, at which time he understood the House was about to adjourn. He found however, that that had not been the case, and that an act had been lost through his absence which he regarded as very important, he ment (sic) the "act to amend the registry laws in Upper Canada." He hoped that the House would allow him to revive that bill, by moving, seconded by MR. ROBLIN, that the "act for amending the registry laws on Upper Canada," be proceeded with on Wednesday next.¹⁸

(139)

Registry Laws,
Upper Canada.

Ordered, That the Order of the Day for the second reading of the Bill to alter and amend the Registry Laws of that part of this Province,

which was formerly Upper Canada, lost by the adjournment of the House of yesterday, be revived, and that the said Bill be read a second time, on Wednesday the twenty-second instant.

Clerks of
Commissioners'
Courts.

Ordered, That Mr. Christie have leave to bring in a Bill relating to Clerks of the Commissioners Courts, for the trial of small causes in Lower Canada, and to prevent their arbitrary dismissal.

He accordingly presented the said Bill to the House,

MR. CHRISTIE introduced ((his)) ... bill.... He stated that by the existing law the judges of these courts had the power of discharging the clerks - an arrangement which had produced injustice; and that the present bill was intended to modify this power.¹⁹

(139)

and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

On motion of Mr. Smith, of Frontenac, seconded by the Honourable Mr. Baldwin,²⁰

Oxford con- Resolved, That this House do nominate and appoint, tested Election. under the hand and seal of Mr. Speaker, three Commissioners, for the purpose of examining the witnesses of the parties in the matter of the controverted election for the county of Oxford, and that John Wilson, Henry Cowley Rowley Becher, and James Givins, Esquires, be such Commissioners, who shall be authorized and empowered to hold their sittings at Woodstock, and such other places in the said county as they may deem proper; the first sitting to be at Woodstock, on Tuesday the fourth day of February next, with John Wilson, Esquire, as Chairman of the said Commission.

Advocates' The Order of the Day for the second reading of Fees. the Bill to amend an Act therein mentioned, and to allow certain fees to advocates, appearing in cases before Commissioned Courts in Lower Canada, being read,

Mr. Colville moved, seconded by Mr. McConnell, that the said Order of the Day be discharged, and that the said Bill be read a second time this day six months.²¹

((MR. COLVILLE)) begged to say, that the Commissioners Courts throughout Lower Canada, had given universal satisfaction, because the justice they administered was speedy and cheap. He attributed this to the absence of legal gentlemen from these Courts - (hear, hear) - and he would be extremely sorry to see a Bill brought in which, by establishing fees, would induce lawyers to practice in them. The Commissioners were sworn to decide according to equity and the dictates of a good conscience. Now, he did not think that the admission of lawyers into these Courts would at all facilitate their decisions according to equity or the dictates of a good conscience; but, on the contrary, they would be so puzzled by the quirks and quibbles of the law, that it would be ten to one, but, with the best intentions, they would decide wrong. No man would wish to employ a lawyer in one of these Courts, unless he had a very bad cause, and thus what has been called the "unsophisticated innocence" of these Courts, will be made subservient to bad ends. While the Commissioners were humbugged by the lawyer, the costs of the case

would be thrown upon him who had the good cause, and thus he would have to pay his dishonest opponent for bringing a lawyer to deceive the Commissioners. Hitherto he (Mr. Colville) had acted with the gentlemen who occupied the Treasury Benches, and he intended always to do so - (hear, hear) - but he had not held any communication with them concerning this measure, and was not aware whether they intended to support or oppose it.²²

MR. AYLWIN could not go so far as the member for Beauharnois had done; he could not promise always to vote with the administration, neither would he say that he should always vote against them, but when their measures were good he would support them. Upon the present occasion he was prepared to vote with the member for Beauharnois, but not for the reasons he had adduced; the object which the Legislature had in view in passing the Bill for the establishment of Commissioners Courts, was to prevent the infliction of costs upon a defendant capable of paying them.²³ He believed that no person would institute suits for small sums if the expense of carrying them on were very disproportioned (sic) to the amount sued for; he had no very exalted idea of the good conscience of the Commissioners, and would wish to see them appointed by the Government who would be responsible for the act. He (Mr. Aylwin) had always supposed that the Corporal was the most formidable officer in the army, because he was the lowest, it was the same in law with the constable; and he thought these commissioners the most formidable judges. If the Chief Justice of either Upper or Lower Canada had done, what some of these people had done, he would have been ignominiously deprived of his office. He had seen causes which would puzzle an able lawyer decided summarily and at once in the commissioners courts, because they trusted to their own notions of equity. He had seen cases involving the most intricate and perplexed points of law decided at once by them declaring themselves to be perfectly competent because it was a small cause, perhaps 33s or 40s. Sound policy required that the principle of the bill as first introduced should be satisfied. But he was not prepared to say whether it would require modification or not, as he was well aware that some of the commissioners were men who could not perform their duty, whilst others are as good men as are to be found in this or any other country.²⁴ But of course all systems were liable to faults, and this could not be expected to be immaculate, and he certainly thought that the sending of lawyers into them would be the most probable means that could be taken to improve them.²⁵ He regretted to be obliged to differ with his hon. friend on this Bill, but more especially as it interested him on account of its connection with his own class.²⁶

MR. LACOSTE wished that the bill should be restrained in its action to the towns, and had no fear of the country suffering wrong for want of advances, as he had himself seen the Commissioners in several instances protecting the poor country people against oppression.²⁷

M. LAURIN ... ((exposa)) les motifs qui l'avaient engagé à ... introduire

((le bill))²⁸.

M. CHAUVEAU se leva et dit en substance qu'il était très-aisé de renouveler en chambre les railleries de Racine dans sa comédie des Plaideurs, et qu'il serait tout le premier à en rire; mais que, lorsqu'il s'agissait de choses sérieuses, il était bon aussi quelque fois d'être sérieux. La loi proposée était selon lui plus favorable aux pauvres qu'à la profession, et c'est pour cela qu'il la soutiendrait. Le régime actuel, en autant que l'avocat est concerné, met fin à la poursuite (sic) in forma pauperis. Le riche qui poursuit ne craint pas de retenir un avocat, surtout pour peu qu'il doute du mérite de sa cause; le pauvre qui auparavant trouvait un avocat pour se charger de sa défense avec l'espoir d'être rétribué par le riche qui devait perdre, n'a plus cet avantage. On trouve quelquefois des avocats qui, par pure philanthropie (sic), se chargeront de la cause du pauvre; mais celui qui plaiderait toute sa vie gratis pour les pauvres courrait peut-être le risque de devenir pauvre lui-même. On prétend que les sommes dont il s'agit devant cette cour, sont trop minimes. Si le principe que celui qui perd doit rembourser à celui qui est censé avoir raison, ce qu'il lui a fait déboursé, si ce principe est équitable et raisonnable, il est difficile de limiter la raison et l'équité à la somme de £6 5 0 et pas au-dessous. Ce n'est pas un principe nouveau et l'on a toujours tenu que les frais étaient la peine DU téméraire plaideur.²⁹

M. CAUCHON vint ensuite et s'exprima dans le même sens.³⁰

M. LAFONTAINE ... dit entr'autres choses que si l'on poussait le principe que les frais sont la peine du téméraire plaideur à ses dernières conséquences, on devrait exiger des cautions de la part du plaideur insolvable³¹.

MR. SCOTT opposed the bill, and wished that Mr. Colville's motion might be supported by the House generally.³²

((MR. MERRITT also spoke.))³³

LE DOCTEUR NELSON ... s'exprima ... en faveur du bill de M. Laurin, ((et)) dévoila ... les abus que son expérience lui fait connaître dans les Cours de Commismissaires (sic). Loin de vouloir éloigner les avocats de ces cours, il croyait leur présence nécessaire, et qu'elle pourrait seule mettre un frein à toutes les horreurs qui se commettent chaque jour.³⁴

MR. CHRISTIE thought the bill was intended not so much to help the poor country people as the poor attornies, and would therefore concur in the motion of the member for Beauharnois.³⁵

(139)

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Armstrong, Aylwin, Berthelot, Bertrand, Boulton, Boutillier, Chalmers, Christie, Colville, Cummings, Daly, DeBleury, Drummond, Duggan, Dunlop, Ermatinger, Foster, Franchère, Gowan, Greive, Guillet, Hall, Jessup, Jobin, LeBoutillier, Lacoste, LaFontaine, Lantier, Laurason, LeMoine, Leslie, Macdonald of CORNWALL, Macdonald of GLENGARRY, Macdonald of KINGSTON, Macdonell of DUNDAS, McConnell, Merritt, Méthot, Meyers, Moffatt, Powell, Petrie, Price, Roblin, Scott, Seymour, Sherwood of BROCKVILLE, Solicitor General Sherwood, Attorney General Smith, Smith of WENTWORTH, Stewart of PRESCOTT, Taschereau, Thompson, Watts, Webster, and Williams--(56.)

NAYS.

Baldwin, Cameron, Cauchon, Chabot, Chauveau, DeWitt, Laurin, Morin, Nelson and Taché--(10.)

So it was carried in the affirmative, and

Ordered accordingly.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, delivered to Mr. Speaker two Messages from His Excellency, the Governor General, signed by His Excellency.

And the said Messages were read by Mr. Speaker, all the Members of the House being uncovered, and are as followeth:--

C. T. METCALFE.

Broken Lot
(O,) Bytown.

The Governor General, in reply to the Address of the Legislative Assembly, relating to Broken Lot, (Letter O,) in the Township of Nepean, transmits the accompanying Copies of Correspondence upon that subject.

GOVERNMENT HOUSE,
Montreal, 13th January, 1845.

C. T. METCALFE.

The Governor General transmits to the Legislative Assembly, the accompanying Copies of Correspondence that has passed between Her Majesty's Secretary of State and the Governor General, relating to the Post Office in British North America; other documents on the same subjects having been laid before the Assembly during the last Session of the late Parliament.

The Governor General informs the Legislative Assembly that there is no copy upon the Records of the Provincial Government, of the Report of the Commissioners referred to in their Address of the 17th ultimo. The Report was prepared for the information of Her Majesty's Government, and was transmitted to the Secretary of State.

GOVERNMENT HOUSE,
Montreal, 4th January, 1845.

(140)

Broken Lot
(O,) Bytown.

Documents accompanying the Message of His
Excellency to Broken Lot, (Letter O.)

(COPY)

MILITARY SECRETARY'S OFFICE,
Montreal, 23rd March, 1844.

SIR,

I am directed by the Commander of the Forces, to request you will be pleased to submit to His Excellency, the Governor General, the accompanying Correspondence from the respective Officers of the Ordnance, relative to two Lots of Land at or near Bytown, which are necessary to be retained by that Department for public purposes. In regard to one of these Lots, viz.--that originally obtained from Mr. Sparks, and tinged green on the accompanying sketch, it is presumed that the enclosed Certificate which the Commander of the Forces has deemed it his duty to grant, will be considered sufficient in law, to entitle the Ordnance to retain possession of the Land. As to the other Lot, marked O on the sketch, it appears to have been granted to the Ordnance, under a Licence of Occupation, by the Lieutenant Governor of Upper Canada, on the 9th February, 1831, for service of the Rideau Canal. And as will be observed by the ninth paragraph of their letter of the 15th instant, the respective Officers now solicit a ratification of the said License of Occupation by His Excellency, the Governor General.

I have, &c.

(Signed,)

BROOK TAYLOR.

J. M. HIGGINSON, Esq.
Chief Secretary.

(COPY.)

TO ALL WHOM IT MAY CONCERN.

I, Lieutenant General Sir Richard Downes Jackson, Knight Commander of the Most Honourable Military Order of the Bath, Commander of Her Majesty's Forces in and for the Province of British North America, &c., do hereby certify, that all that portion or parcel of Land, situated in the District, Township of Nepean, being part of Lot C, in Concession C of the said Township, containing eighty-eight acres, more or less, taken and set apart from the property of Mr. Nicholas Sparks, at Bytown, by the late Lieutenant Colonel John By, Royal Engineers, for service of the Rideau Canal, in pursuance of the provisions of an Act of the Parliament of the late Province of Upper Canada, passed in the eight year of the Reign of His late Majesty King George the Fourth, and intituled an Act "To confer upon His Majesty certain powers and authorities necessary to the making, maintaining and using the Canal intended to be completed under His Majesty's directions, for connecting the waters of Lake Ontario with the River Ottawa, and for other purposes therein mentioned," was and still continues necessary for the service of the said Rideau Canal; and further, that the said Land is situated within the radius, requisite for military works of defence contemplated at Bytown.

Given under my hand and seal, at Montreal, this twenty-first day of March, in the year one thousand eight hundred and forty-four.

(Signed,)

R. D. JACKSON
Commander of the Forces.

(L. S.)

(Signed,)

BROOK TAYLOR,
Military Secretary.

(COPY.)

CIVIL SECRETARY'S OFFICE,
Kingston, 2nd April, 1844.

SIR,

I am directed by the Governor General to acknowledge the receipt of your letter of the 23rd ultimo, with enclosure, respecting certain Lands at Bytown, required by the Ordnance Department, and to state, for the information of the Commander of the Forces, that the subject will engage the consideration of the Governor General, in Council,

and the decision thereon will be communicated hereafter.

I have, &c.

(Signed)

J. M. HIGGINSON.

To the Military Secretary.

(COPY.)

CIVIL SECRETARY'S OFFICE.

Montreal, 15th July, 1844.

SIR,

With reference to your letter of the 23rd March last, I have the honour, by command of the Governor General, to transmit, herewith, for the information of the Commander of the Forces, an extract from a Minute of the Executive Council, containing the decision of His Excellency, in Council, on the subject of two Lots at Bytown, which are required by the Ordnance Department for public purposes.

I have, &c.

(Signed,)

J. M. HIGGINSON.

Captain B. TAYLOR,
Military Secretary.

(COPY.)

Copy of a Report of a Committee of the Executive Council, dated the 3rd of July, 1844, and confirmed by His Excellency, the Governor General, in Council, on the eighth of the same month, on the subject of certain Land at Bytown, formerly owned by Mr. Nicholas Sparks, and set apart for the use of the Rideau Canal, required by the Ordnance Department.

The Committee of Council, in considering the reference made by your Excellency's commands to them of the letter of Captain Brook Taylor, Military Secretary, to His Excellency, the Commander of the Forces, dated the 23rd March last, respecting the Land at Bytown, formerly owned by Mr. Nicholas Sparks, and set apart for the use of the Rideau Canal and respecting Lot lettered O, in the Township of Nepean, adjoining Bytown, have agreed to the following report:

In regard to the property taken from Mr. Sparks, the Executive Government of this Province have no right or power to interfere. The question is one of a purely legal character, depending on the construction of the vesting, and the Rideau Canal Acts, and must, if the right of the Ordnance be contested by Mr. Sparks, be decided by the proper tribunals.

As to the Lot lettered O, the Committee apprehend that there is a mistake in supposing that a Licence of Occupation was ever given for the service of the Rideau Canal. The circumstances under which this Licence of Occupation was given, appear to be the following:--On the twenty-ninth December, 1830, Colonel By wrote to His Excellency, Sir John Colborne, then Lieutenant Governor of Upper Canada, praying that His Excellency would grant "a Deed of Occupation of the above mentioned Lot lettered O, and six small Islands at the mouth of the Rideau River, until the same may be required by His Majesty's Government for military, or any other public service."

Upon this application Sir John Colborne granted to Col. By a License of Occupation, and so far as the Committee are aware, no other appropriation of the Lot has ever taken place, except the sale of ten acres thereof to the Honourable Thomas M'Kay.

As late as the 3rd August, 1840, Captain Crawley, R. E., by desire of the Officer commanding the Royal Engineers, wrote to Mr. Malloch,

(141)

stating that Mr. Harrison had been informed that no objection would be raised on the part of the Ordnance to Lot lettered O being disposed of by the Lieutenant Governor of Upper Canada.

It does not therefore appear to the Council that the Lot was ever set apart in any way for the service of the Rideau Canal, and it is not therefore vested in the Principal Officers of Her Majesty's Ordnance, under the Act of last Session. As an unappropriated Crown Reserve therefore, it seems to the Council that it will come within the provision of the Act regulating the disposal of Public Lands, and must be dealt with accordingly.

The third Section of the Vesting Act would enable the Ordnance to acquire this Lot, if certified by His Excellency the Commander of the Forces, to be necessary for the erection of any Fort, Barrack, Battery, or other military work, or for preserving such work free from obstructions; or they might, under the latter provisions of that Clause, if no such Certificate could be granted, become the purchasers thereof.

The ratification of the License of Occupation to Colonel By, applied for in Captain Taylor's letter, would be inoperative to vest

the Land in the principal Officers, and the Public Lands Act prevents Your Excellency making a formal grant to them, unless under the provisions of the third Section of the Vesting Act.

(Certified.)

(Signed,)

E. PARENT.

(COPY.)

BYTOWN,
6th August, 1844.

SIR,

Your letter of the 15th ultimo, addressed to the Military Secretary conveying, for the information of the Commander of the Forces, the decision of the Governor General, in Council, respecting two Lots of Land referred to in Captain Taylor's letter of 23rd March last, having been communicated to me, I have the honour to beg you will submit my respectful solicitation that His Excellency may be pleased to direct, that no sale or concession of Lot letter O, in the Township of Nepean, be effected until I have had an opportunity of receiving instructions, for which I have applied, from the Master General and Board of Ordnance, as to whether they will approve of the Land in question, which is of material importance to the Public Service, being obtained by purchase in the manner alluded to in the last paragraph but one of the Report of the Executive Council enclosed in your letter.

In the meantime I would beg the favour of being informed of the Terms upon which the Land may be obtained by the Ordnance, taking the liberty of stating, that the rate at which Mr. M'Kay paid for the most valuable part of the Reserve, including the entire water privileges of the Rideau Falls, in which the chief value of the Reserve consisted, was £3 per acre, from whence I infer the price for the far less valuable remainder of the Lot, setting aside its object for the Public service, will be proportionably less.

I have, &c.,

(Signed,)

J. S. ELLIOTT.
Ordnance Commissioner.

J. M. HIGGINSON, Esquire,
&c. &c. &c.

CIVIL SECRETARY'S OFFICE,
Montreal, 10th August, 1844.

SIR,

I have the honour, by command of the Governor General, to enclose for your information, a letter from the Ordnance Commissioner, together with the papers mentioned in the margin, on the subject of a Lot of Land in the Township of Nepean, which is required for the Public Service.

Your attention is requested to the application of Mr. Elliott, that the Land in question should not be alienated until the decision of the Home Authorities is known on the proposition to purchase it for the Ordnance Department, and with reference to the concluding paragraph of Mr. Elliott's letter, I am directed to request you to communicate to me the information he requires, as to the terms on which the Land can be obtained. You will have the goodness to return to enclosures to me with your Report.

(Signed,) J. M. HIGGINSON.

The Acting Commissioner
 of Crown Lands,
 &c. &c. &c.

CROWN LANDS DEPARTMENT,
Montreal, 9th September, 1844.

SIR,

With reference to your letter of the 10th ult., respecting Lot 0, in the Township of Nepean, I have the honour herewith to transmit a copy of a letter from James Stevenson, in reply to one from this office.

As that gentleman was in correspondence with Mr. Sullivan, when Commissioner of Crown Lands, with reference to this Land, and at the same time, I conceive, well qualified to form an opinion on the question embraced in the concluding paragraph of Mr. Elliott's letter of the 6th August, I have no reason to differ from the view he takes of the subject; more especially as Mr. Lyon, the District Agent, in a recent conversation, expressed a similar opinion.

The papers accompanying your letter are herewith returned.

(Signed,)

T. BOUTHILLIER,

J. M. HIGGINSON, Esquire,
Civil Secretary,
&c. &c. &c.

(COPY.)

CROWN LANDS DEPARTMENT,
Montreal, 24th August, 1844.

SIR,

It appears that on the 18th January, 1841, you were requested by Mr. Sullivan "to ascertain the value of the remaining portion of Letter O," in the Township of Nepean.

Your answer to that letter I am unable to lay my hand on. I have therefore to request that you will have the goodness to inform me, what your opinion then was, and whether you have any reason to change it.

The Ordnance are desirous of ascertaining upon what terms the land can be obtained by purchase,

As you are well acquainted with the long pending dispute with Mr. Malloch, I conclude it is needless to enter more at large upon the subject, as no portion of the Land has been disposed of in the interim.

(Signed,)

T. BOUTHILLIER,

JAMES STEVENSON, Esquire,
Bytown,

(COPY.)

CROWN TIMBER OFFICE,
Bytown, 29th August, 1844.

SIR,

In replying to your letter of 24th, I have reference to mine to Mr. Sullivan, and there I state that I had taken the opinion of others beside my own, regarding the value of Lot of Land, Letter O, in Nepean, and that, looking forward to this Lot forming part of Bytown,

that £4000 or £5000 was considered its value.

(142)

This is taking a prospective view, and supposing that Bytown will increase in the same ratio it has done for some five years back.

The general opinion now is that Government should dispose of this Lot of Land in Town Lots, (viz., a chain by a chain and a half,) and without delay, rather than dispose of it to individuals; and it is computed that the 80 acres would give 300 Town Lots, exclusive of streets, and if sufficient buyers are found, a much larger sum would be obtained than the above.

Say 60 acres.
License to Col.
By, 1831, as con-
taining 70 acres,
since which 10 acres
have been sold.

(Signed,)

M. STEVENSON,

To the Commissioner of Crown Lands
 &c. &c. &c.,
Montreal.

(COPY.)

CIVIL SECRETARY'S OFFICE.

Montreal, 11th September, 1844.

SIR,

With reference to your letter of the 6th ultimo, on the subject of Lot O, in the Township of Nepean, I have the honour, by command of the Governor General, to transmit to you herewith, a copy of a Communication from the Deputy Commissioner of Crown Lands, with enclosure, on the subject of the value of the Land in question.

I have, &c.,

(Signed,)

J. M. HIGGINSON.

S. ELLIOT, Esq.,
 Ordnance Commissioner.
Bytown.

(COPY.)

Bytown, 12th October, 1844.

SIR,

Having been in communication with the Master-General and Honourable Board of Ordnance, upon the subject of the acquirement of the remaining part of Lot Letter O, near Bytown, in the manner pointed out in the Report of the Executive Council, dated 3rd July, 1844, and having received their authority to purchase the same, provided a reasonable rate were fixed thereupon, I beg leave to submit, for the consideration of the Governor General, in reference to your letter of the 11th ultimo, favouring me with a copy of the Report of the Deputy Commissioner of Crown Lands, and its enclosure, whereby a value of from £4000 to £5000 appears to be placed upon the Lot; that this valuation seems to be entirely and remotely prospective, dependent upon the extension of the Town to that locality, and so widely different from that affixed by and paid to the Provincial Government by the Hon. T. M'Kay for the most valuable ten acres of the original reserve, including the whole water privileges of the Falls of the Rideau River, that I most respectfully beg to solicit a re-consideration of the subject; the more particularly, as the large value now placed upon this Land would seem at variance with that heretofore held in respect to the same.

In evidence of the small value attached to this Reserve by the Provincial Government heretofore, I take the liberty of enclosing an extract from the Report of a Committee of the Executive Council, dated 4th March, 1842, which the late Governor General, His Excellency Sir Charles Bagot, was pleased to refer to me, wherein, after stating the circumstances under which the disposal of part of the Reserve to Mr. M'Kay was made, and shewing that the same was the result of a valuation by two residents, under instructions from Sir Francis Head, and reciting their Report fixing the value at £3 per acre, the Committee proceed to state, in relation to the remaining portion now required by the Ordnance Department--"With respect to the remaining part of Lot Letter O, the Local Government, since they have understood the claims of the Ordnance Department, and their objections to alienations of the ground by Provincial authorities, have refused all applications, yet they must observe that none whatever have been made, shewing that any extraordinary value was placed upon the Land."

I would also, with great respect, refer to Mr. Secretary Harrison's letter of 16th January, 1840, to the Commissioner of Crown Lands, a copy of which is enclosed, written at the time when Mr. Sheriff Malloch was urging his application for Reserve O, and when the commanding Royal Engineer in Canada supposed the Land might be given up, from which it will be perceived that so lightly was its value then estimated,

that it was held to afford a good opportunity for entering into an arrangement with Mr. Malloch, by making him a grant of the remaining part of Reserve O, in lieu of the broken fronts of Lots 7 and 8, in the Township of Nepean, which, though set apart and used for service of the Rideau Canal, were erroneously sold to that gentleman for the sum of £17 12s., for the settlement of which error the Lot in question was then considered an eligible equivalent.

These circumstances, which I with great deference adduce as evidence of the ultra value placed upon the Land by Mr. Stevenson, (from £4000 to £5000,) communicated in Mr. Bouthillier's letter of 9th September, 1844, and a hope that His Excellency will perceive with me the great disparity in the value now set upon the Reserve in question, and that formerly placed upon it by the Provincial authorities, when the applications of private individuals were entertained, induce me respectfully to solicit, on behalf of the Master-General and Board, His Excellency's revision of the subject, trusting that, in consideration of the enormous outlay of money by the Mother County, in the formation of the Rideau Canal, to which the Town adjacent to the Reserve owes its existence, and the remaining part of the Reserve any value it ever can attain, the Ordnance Department, to which it is very essential, may be permitted to purchase it at the same rate at which the more valuable part was sold to one individual, or the remainder estimated for an anticipated arrangement with another.

I have, &c.,

(Signed,)

T. S. ELLIOTT.

Ordnance Commissioner.

J. M. HIGGINSON Esqr.,
Chief Secretary

(COPY.)

CROWN LANDS DEPARTMENT,
Montreal, 16th December, 1844.

Report No. 227 on a Letter of T. S. Elliott, Esquire, 12th October, 1844, referred by the Civil Secretary.

The value placed upon the Lot Letter O, may be to some extent prospective, but not so remotely so as Mr. Commissioner Elliott appears to think.

The Town is extending rapidly in the direction of that Lot, a portion of it is already occupied, and from what information I have lately been able to gather, I have little hesitation in saying that, if divided into half-acre Lots, the remaining sixty acres would readily bring from £4000 to £5000.

The price at which Mr. M'Kay obtained ten acres of this Lot, some eight or nine years ago, cannot be taken as a criterion of the present value of the remainder, the rapid increase of Bytown since that period having greatly enhanced the value of property in its immediate vicinity.

(Signed,)

T. BOUTHILLIER.

(For the Documents accompanying the Message relating to the Post Office in British North America, see Appendix I.)

(143)

The Honourable Mr. Daly, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor General,

Forges of
St. Maurice.

Return to an Address from the Legislative Assembly, to His Excellency, the Governor General, bearing date the 9th ultimo, praying that His Excellency may be pleased to order the proper officer to lay before the House, a copy of the Lease, under which the land known as "The forges of St. Maurice," are now held, if such lease be in writing, and also for a copy of all such papers and documents as His Excellency may deem proper to communicate to the House in relation to the future disposal of the said land, known as "The forges of St. Maurice."

(For the said Return, see Appendix O.)

Landholders,
Gaspé District.

The Order of the Day for the second reading of the Bill, for the relief of certain landholders in the Gaspé district, being read,

The said Bill was accordingly read and referred to a Select Committee, composed of Mr. Christie, Mr. LeBoutillier, Mr. Taché, Mr. LeMoine, and Mr. Williams, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Printing of the
Laws.

The Order of the Day for the second reading of the Bill to throw open to Public competition the Printing of the Laws, with a view to render the printing thereof more expeditious and less expensive than heretofore, being read,³⁶

The bill ... was dropped for the present, MR. CHRISTIE saying that he would wait for the bill contemplated by Government on the distribution of the laws, as it appeared that the printing was a matter that belonged exclusively to the Government.³⁷

(143)

Ordered, That the said Bill be read a second time on Tuesday, the twenty-eight instant.

Legal recourse
against Executive
Government.

The Order of the Day for the second reading of the Bill to provide a legal recourse to Her Majesty's subjects in this Province, having legal or just claims upon the Executive Government thereof, and to enable Her Majesty the more effectually to do justice in such cases, being read,

The said Bill was accordingly read and referred to a Special Committee, to report thereon with all convenient speed; with power to send for persons, papers, and records.

In explanation ... MR. CHRISTIE said that the subject of this Bill was not new; it has been brought forward upon several previous occasions and objected to, as infringing upon the prerogative of the Crown. The measure before the House was made of a milder and more palatable nature than the former; it simply empowered the Governor General, when claims were made upon the government, to refer the matter to one or other of the Courts of Judicature, to determine thereon.³⁸

(143)

Ordered, That Mr. Christie, the Honourable Mr. Attorney General Smith, the Honourable Mr. Morin, Mr. Drummond, and the Honourable Mr. Moffatt, do compose the said Committee.

Administration
of Justice,
Gaspé.

*The Order of the Day for the second reading of the Bill supplementary to an Act of the last session of the Legislature, relating to the administration of Justice in the Gaspé district, and to extend the provisions of the said Act, being read.*³⁹

MR. CHRISTIE seconded by MR. DEWITT, moved that the said bill be referred to a select committee of five members⁴⁰.

MR. MOFFATT conceived that all measures touching the administration of justice should be left to the Government; and he thought Ministers were wrong in allowing members to introduce such measures.⁴¹

((MR. BALDWIN said)) a few words⁴².

MR. CHRISTIE would be very glad to relinquish his bill, if Ministers would take it up; at the same time he thought no man in the House was more capable than himself of introducing the subject in a proper manner.⁴³

((MR. LAFONTAINE said)) a few words⁴⁴.

MR. ATTORNEY GENERAL ((JAMES)) SMITH said, that all measures affecting the Judicature, certainly ought to emanate from the Government; but he had repeatedly stated that it was not the intention of the Government to introduce any measure upon this subject during the present Session. He was adverse to tampering with the system now established, until it had received a fair trial. But with regard to distant parts as that remote district for which the present measure was intended, it was not to be expected that Ministers could be so well acquainted with the peculiar wants of its inhabitants as an individual who resided therein; therefore he was, and always should be happy to receive either suggestions or Bills from private members, and if the measures were good the Government would support them.⁴⁵

(143)

The said Bill was accordingly read and referred to a Select Committee, composed of Mr. Christie, the Honourable Mr. LaFontaine, the Honourable Mr. Morin, the Honourable Mr. Aylwin, and Mr. LeBoutillier, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ursuline
Convent,
Three Rivers.

The Order of the Day for the second reading of the Bill to authorize the nuns of the Ursuline Convent at Three Rivers, to acquire, and hold additional real and moveable property to a certain amount, being read,

The said Bill was accordingly read and committed to a Committee of the whole House, on Wednesday next.

Jury Laws.

The Order of the Day for the second reading of the Bill for the consolidation and amendment of the Laws, relative to Jurors, Juries, and Inquests, in Upper Canada, and to provide for the indemnification of Jurors, while attending the several courts in that portion of this Province, being read,⁴⁶

MR. GOWAN seconded by MR. RIDDELL, moved, that the bill to consolidate and amend the Jury Laws of Upper Canada be referred to a select committee. He stated that the principal difference between his bill and that of the last session, introduced by the hon member for the North Riding of York, was this - his hon friend wished to have jurors selected by ballot, his bill provided that they should be chosen in alphabetical order; another novel principle of his bill

was the provision for the payment of jurors; he thought that when avery (sic) other man, from the judge dowa (sic) to the cryer was paid, it was very hard that jurors should be brought from their families without any compensation.⁴⁷

((There were)) a few words from MR. BALDWIN, who promised his support to the bill.⁴⁸

(143)

The said Bill was accordingly read, and referred to a Select Committee, composed of Mr. Gowan, the Honourable Mr. Solicitor General Sherwood, the Honourable Mr. Baldwin, Mr. Macdonald, of Kingston, and Mr. Prince, to report thereon with all convenient speed; with power to send for persons, papers, and records.

DR. DUNLOP had never heard any other objection to the present mode of striking Juries except this - that Sheriffs were too much in the habit of choosing panels from one district, for the sake of saving trouble to their bailiffs. That might easily be rectified; and in the meantime there was no use in loading the statute book with unnecessary laws.⁴⁹

(143)

Intestate
Estates.

The Order of the Day for the second reading of the Bill for the more equal distribution of the property of persons dying intestate in that part of this Province called Upper Canada, being read,

Ordered, That the said Bill be read a second time, on Wednesday, the twenty-second instant.

Then, on motion of Mr. Gowan, seconded by Mr. Watts,

The House adjourned.

APPENDIX, 14 JANUARY 1845.

((QUESTION AND ANSWER RE: DUTIES ON AMERICAN TOBACCO.))⁵⁰

COL. PRINCE wished to ask the gentlemen on the Treasury Benches, whether they intended to make any alteration in the duties upon Tobacco introduced from the United States, and if so, whether an increase or reduction?⁵¹

MR. ATTORNEY GENERAL ((J.)) SMITH replied (as we understood him) that it was the intention of the Government to reduce the duties.⁵²

((QUESTION AND ANSWER RE: EXPENSES OF CHAMBLY CANAL.))⁵³

DR. DUNLOP enquired of the members of Her Majesty's Provincial Government - First, why the receipts on the Chambly canal are so disproportionate to the expenses incurred in its management? Second, what officers are employed? When were they appointed? And why?⁵⁴

Att. General (East) ((J. SMITH)) said that the circumstances which produced the disproportion between the expenses and the receipts on the Chambly Canal, were beyond the controul of Ministers, but that he believed (sic) the tolls were too high, and the Government proposed to lower them. He laid on the table a tabular statement, which contained the rest of the information asked for, except as to the reasons for the appointment of the officers; to that part of the questions he could say nothing.⁵⁵

MR. LAFONTAINE said that this was not the first time, that the hon. member for Huron had alluded to this subject, he had done so last session many times, but he could tell him, that the insinuations contained in those questions were false, and false, and false, and false.⁵⁶

DR. DUNLOP would not retort on that hon. member, the insult he had thrown upon him; he knew his position as a gentleman too well to make use of billingsgate when he was insulted. He never had by any accident made any allusion to the Chambly canal, and for this simple reason, that he had never known any thing about it; and therefore the hon. member had thrown away a great deal of very good indignation. He had been applied to by a non commissioned officer of the army, a man of very good character. He would not thank him if he were to call him a gentleman, however, this very respectable man had told him that he had performed certain duties, at a salary of £60 per annum, and as he intended to move for a committee of enquiry, he thought it only fair to bring the matter previously under the consideration of the ministry.⁵⁷

FOOTNOTES - 14 JANUARY 1845.

1. This debate was reported by: MONTREAL TRANSCRIPT, 16 January 1845, KINGSTON CHRONICLE, 18 January 1845, BRITISH WHIG, 17 January 1845, KINGSTON NEWS, 23 January 1845, and the MONTREAL GAZETTE, 16 January 1845, in identical accounts; PILOT, 15 January 1845, copied by BROCKVILLE RECORDER, 23 January 1845; LE CANADIEN, 17 January 1845; L'AURE, 16 January 1845; and the EXAMINER, 22 January 1845.
2. EXAMINER, 22 January 1845.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. KINGSTON CHRONICLE, 18 January 1845.
9. IBID.
10. EXAMINER, 22 January 1845.
11. KINGSTON CHRONICLE, 18 January 1845.
12. IBID.
13. IBID.
14. IBID.
15. This debate was reported by: LE CANADIEN, 17 January 1842; MONTREAL TRANSCRIPT, 16 January 1845, PILOT, 15 January 1845, and the EXAMINER, 22 January 1845, in identical accounts.
16. PILOT, 15 January 1845.
17. This debate was reported by: PILOT, 15 January 1845, MONTREAL TRANSCRIPT, 16 January 1845, and the EXAMINER, 22 January 1845, in identical accounts; and LE CANADIEN, 17 January 1845.
18. PILOT, 15 January 1845.
19. MONTREAL TRANSCRIPT, 16 January 1845.
20. According to MONTREAL TRANSCRIPT, 16 January 1845, it was Mr. Colville rather than Mr. Smith of Frontenac who made this motion.
21. This debate was reported in: MONTREAL TRANSCRIPT, 16 January 1845; EXAMINER, 22 January 1845; PILOT, 15 January 1845; LE CANADIEN, 17 January 1845; L'AURE, 16 January 1845; LE JOURNAL DE QUEBEC, 21 January 1845; and KINGSTON CHRONICLE, 18 January 1845, BRITISH WHIG, 17 January 1845, KINGSTON NEWS, 23 January 1845, and the MONTREAL GAZETTE, 16 January 1845, in identical accounts.
22. KINGSTON CHRONICLE, 18 January 1845.
23. IBID.
24. EXAMINER, 22 January 1845.
25. KINGSTON CHRONICLE, 18 January 1845.
26. EXAMINER, 22 January 1845.
27. IBID.
28. LE JOURNAL DE QUEBEC, 21 January 1845.
29. IBID.
30. IBID.
31. IBID.
32. EXAMINER, 22 January 1845.

33. KINGSTON CHRONICLE, 18 January 1845.
34. LE JOURNAL DE QUEBEC, 21 January 1845.
35. EXAMINER, 22 January 1845.
36. The following was reported by: LE CANADIEN, 17 January 1845; and MONTREAL TRANSCRIPT, 16 January 1845, and the EXAMINER, 22 January 1845, in identical accounts.
37. MONTREAL TRANSCRIPT, 16 January 1845.
38. KINGSTON CHRONICLE, 18 January 1845.
39. This debate was reported by: KINGSTON CHRONICLE, 18 January 1845, BRITISH WHIG, 17 January 1845, PILOT, 15 January 1845, and the MONTREAL GAZETTE, 16 January 1845, in identical accounts; and MONTREAL TRANSCRIPT, 16 January 1845, and the EXAMINER 22 January 1845, also in identical accounts.
40. MONTREAL TRANSCRIPT, 16 January 1845.
41. KINGSTON CHRONICLE, 18 January 1845.
42. IBID.
43. MONTREAL TRANSCRIPT, 16 January 1845.
44. IBID.
45. KINGSTON CHRONICLE, 18 January 1845.
46. This debate was reported by: LE CANADIEN, 17 January 1845; and the MONTREAL TRANSCRIPT, 16 January 1845, and the EXAMINER, 22 January 1845, in identical accounts.
47. MONTREAL TRANSCRIPT, 16 January 1845.
48. IBID.
49. IBID.
50. This debate was reported by: KINGSTON CHRONICLE, 18 January 1845, KINGSTON NEWS, 23 January 1845, BRITISH WHIG, 17 January 1845, MONTREAL GAZETTE, 16 January 1845, MONTREAL TRANSCRIPT, 16 January 1845, and the EXAMINER, 22 January 1845, in identical accounts; and L'AUREOLE, 16 January 1845.
51. KINGSTON CHRONICLE, 18 January 1845.
52. IBID.
53. This debate was reported by: PILOT, 15 January 1845, and the MONTREAL TRANSCRIPT, 16 January 1845, in accounts containing some identical, some different, speeches; and LE CANADIEN, 17 January 1845.
54. MONTREAL TRANSCRIPT, 16 January 1845.
55. IBID.
56. IBID.
57. IBID.

WEDNESDAY, 15 JANUARY 1845.

(143)

County of
Stormont con-
tested Election.

THE hour appointed for taking into consideration the Petition of Alexander M'Lean, Esquire, and others, electors of the county of Stormont, complaining of undue election and return of Donald AEneas Macdonell, Esquire, to represent the said county of Stormont in this present Parliament, being come,

The House proceeded to the appointment of a Select Committee to try and determine the merits of the said Petition.

The Sergeant-at-Arms was directed by Mr. Speaker to go with the Mace to the places adjacent, and require the attendance of the Members on the business of the House;

And he went accordingly.

And being returned, the House was called, and more than thirty members being present,

Mr. Speaker called upon the Petitioners, their counsel, or agent, to appear at the Bar.

Alexander M'Lean, Esquire, appeared at the Bar, in behalf of himself and the other Petitioners.

Mr. Speaker called upon the Sitting Member, his counsel, or agent, to appear.

Mr. Macdonell, the Sitting Member for the said county of Stormont, appeared in his place, on his own behalf.

Alexander M'Lean, Esquire, presented in behalf of himself and the other Petitioners, a list of witnesses, in the case of the Petition of Alexander M'Lean, Esquire, and others, electors of the county of Stormont, which was read by the Clerk, as follows:

LIST OF WITNESSES ON BEHALF OF PETITIONERS.

Guy C. Wood, Esquire, Returning Officer.

Dunbar J. Pringle, Esquire, Clerk to do.

The Honourable Denis Benjamin Papineau, Commissioner of Crown Lands, and to bring all correspondence on the subject of Mr. Macdonell's resignation of his office, as resident agent for the Eastern District.

Felix Fortier, Esquire, Clerk of the Crown in Chancery.

Rolland M'Donald, Esquire.

(144)

John S. M'Donald, Esquire.
 Hugh M'Callum.
 Solomon Y. Chesley, Esquire.
 James Reed.
 Lister N. Putman.
 Moses Kinnear.

Mr. Macdonell handed in a list of witnesses required in behalf of himself, as the Sitting Member for the county of Stormont, which was read by the Clerk, as follows:--

LIST OF WITNESSES IN BEHALF OF THE SITTING MEMBER.

Guy C. Wood, of the Town of Cornwall, Esquire, Returning Officer at the late Election for the County of Stormont.
 John Cameron, son of the late Donald Cameron, first Concession of the Township of Roxborough.
 James Sproule, Third Concession of Roxborough.
 Duncan M'Millan, of Lot No. 18, 1st concession of the Township of Finch.
 Roderick Macdonald, M.D., of the Town of Cornwall.
 The Honourable Denis B. Papineau, Commissioner of Crown Lands, &c.
 T. Bouthillier, Assistant Commissioner of Crown Lands.
 Jacob Ferren Pringle, Deputy Returning Officer for the County of Stormont.
 Solomon Y. Chesley, of Cornwall.

(Signed,) D. AE. MACDONELL.

Mr. Speaker then desired the Sergeant-at-Arms to lock the doors.

And the doors being locked accordingly, and the Order of the Day for taking the said Petition into consideration, being read, the attestation of Mr. Speaker was taken from off the box, in which, agreeably to the statute, the names of all the Members of the House were sealed up, and the same was read by the Clerk, as follows:--

I attest, that this box was, this thirteenth day of January, 1845, made up in my presence, in the manner directed by an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, intituled, "An Act to repeal an Act passed in the forty-fifth year of His late Majesty's Reign, intituled, 'An Act to regulate the Trial of Controverted Elections, or returns of Members to serve in the House of Assembly,' and to make more effectual provision for such trials."

ALLAN N. MACNAB,
Speaker.

The box was then opened, and the attestation of the Clerk was taken out of the box, and read by him, as follows:--

I attest, that I did, this thirteenth day of January, 1845, in presence of the Speaker of this House, put into a box, in which this attestation is found, the names of all the Members composing the present House of Assembly, written upon slips of parchment, and rolled up as directed by an Act passed in the fourth year of the Reign of His late Majesty King George the Fourth, intituled, "An Act to repeal an Act passed in the forty-fifth year of His Late Majesty's Reign, intituled, 'An Act to regulate the Trial of Controverted Elections, or returns of Members to serve in the House of Assembly,' and to make more effectual provision for such trials."

W. B. LINDSAY,
Clerk of Assembly.

The names of all the Members were taken out of the box, and put into three other boxes.

The drawing of the names was then proceeded in, in the usual manner, and the following names were drawn, to which no objection was taken:--

- | | |
|-----------------------------------|--|
| 1. <u>Jobin</u> | 13. <u>Petrie,</u> |
| 2. <u>Macdonald,</u> of CORNWALL, | 14. <u>Dickson,</u> |
| 3. <u>Lawrason,</u> | 15. <u>Morin,</u> |
| 4. <u>Leslie,</u> | 16. <u>Thompson,</u> |
| 5. <u>Hall,</u> | 17. <u>LeMoine,</u> |
| 6. <u>Méthot,</u> | 18. <u>Lacoste,</u> |
| 7. <u>Chalmers,</u> | 19. <u>Scott,</u> |
| 8. <u>Greive,</u> | 20. <u>Dunlop,</u> |
| 9. <u>M'Connell,</u> | 21. <u>Lantier,</u> |
| 10. <u>Watts,</u> | 22. <u>Solicitor General Sherwood,</u> |
| 11. <u>Berthelot,</u> | 23. <u>Seymour.</u> |
| 12. <u>Desaunier,</u> | |

Nineteen other names were drawn and set aside, or excused, as follows:--

Fourteen against whom Petitions are pending.

Five names were also drawn of Members who were absent.

Mr. Murney was chosen nominee for the Petitioners.

Mr. Macdonald of Kingston, was chosen nominee for the Sitting Member.

At twenty minutes to five o'clock, P.M., the parties, with Mr. Alfred Todd, Clerk to the Select Committee, retired for the purpose of striking the said Committee.

At ten minutes to five o'clock, P.M., the Clerk of the Select Committee delivered to the Clerk of the House, a list containing the names of

the nine Members unstruck, composing the Select Committee, which is as follows:--

- | | |
|--|---------------------|
| 1. <u>Macdonald</u> of <u>CORNWALL</u> , | 6. <u>LeMoine</u> , |
| 2. <u>Méthot</u> , | 7. <u>Lacoste</u> , |
| 3. <u>Greive</u> , | 8. <u>Dunlop</u> , |
| 4. <u>M'Connell</u> , | 9. <u>Seymour</u> . |
| 5. <u>Watts</u> , | |

Nominee for the Petitioners, Mr. Murney.

Nominee for the Sitting Member, Mr. Macdonald, of Kingston.

ALFRED TODD,
Clerk to Committee.

The said nine Members and the Nominees were then severally sworn at the table, by the Clerks, in the usual manner.

MR. AYLWIN ((demanded)) to have the names remaining in the ballot boxes, called over.¹

DR. DUNLOP moved that in future, printed lists of members names should be given to such hon. gentlemen as doubted the oaths of the Speaker and Clerk.²

The Speaker ((Sir Allan MacNab)) refused to receive the motion.³

(144)

On motion of Mr. Murney, seconded by Mr. Macdonald, of Kingston,

Resolved, That the Select Committee appointed to try the Petition of Alexander M'Lean, Esquire, and others, electors of the county of Stormont, complaining of the undue election and return of Donald Aeneas Macdonell, Esquire, do meet in the Committee Room No. 6, to-morrow, at half-past two o'clock, P.M.

Norfolk
Election.

The Honourable Mr. Morin, from the Select Committee appointed to try the merits of the Petition of David Duncombe, Esquire, late a candidate for the county of Norfolk, and others his supporters, complaining of the undue election and return of Israel Wood Powell, Esquire, Sitting Member for the said county of Norfolk, reported to the House that the Committee met this day, according to appointment, but could not proceed to business in consequence of the absence of the Honourable Mr. Papineau, a Member of the said Committee.

Resolved, That as the Honourable Mr. Papineau has absented himself by reason of sickness, he be excused.

Lincoln
Election.

Mr. Lantier, chairman of the Select Committee appointed to try the Petition of Samuel Wood and others, electors of the North Riding of the county of Lincoln, district of Niagara, complaining of the undue election and return of William Hamilton Merritt, Esquire, Sitting Member for the said

(145)

North Riding of the county of Lincoln, reported to the House that the Committee met this day, according to appointment, but could not proceed to business in consequence of the absence of the Honourable Mr. Papineau and Mr. Chalmers, two members of the said Committee.

Resolved, That as the Honourable Mr. Papineau has absented himself by reason of sickness; and the said Committee have suffered no inconvenience by the absence of Mr. Chalmers, they be excused.

Oxford
Election.

Mr. Chauveau, from the Select Committee appointed to try the merits of the Petition of the Honourable Francis Hincks, of the city of Montreal, complaining of the undue election and return of Robert Riddell, Esquire, Sitting Member for the county of Oxford, reported to the House that the Committee met this day, according to appointment, but could not proceed to business in consequence of the absence of Mr. Lantier, a member of the said Committee.

Resolved, That as the said Committee have suffered no inconvenience by the absence of Mr. Lantier, he be excused.

Resolved, That the said Committee have leave to adjourn from the sitting of to-morrow until the first day of March next, at eleven o'clock, A.M., and that they do then meet in the Committee Room No. 5.

On motion of Mr. Smith, of Frontenac, seconded by the Honourable Mr. Baldwin,

Ordered, That the time appointed by the Order of the House of yesterday, for the meeting of the Commission for taking evidence in the matter of the controverted election of the county of Oxford, be extended from the fourth to the eleventh day of February next.

Ordered, That the Petitioners, complaining of the undue election and return of Robert Riddell, Esquire, for the county of Oxford, and the Sitting Member for the said county, do exchange, on or before the first day of February next, at eleven o'clock, A.M., lists of the voters objected to, giving the several heads of objection, and distinguishing the same against the names of the voters excepted to

by them respectively; such lists to be delivered as follows, that is to say--the list of the part of the Petitioners to be delivered to or left at the residence of Simon F. Robertson, Esquire, as agent for the Sitting Member at Woodstock; and the list on the part of the Sitting Member to be delivered or left at the residence of Mr. George Henry, at Woodstock, as agent for the Petitioners.

Ordered, That the Clerk of the Crown in Chancery, do transmit to the chairman of the Commissioners, appointed to take the examination of witnesses in the matter of the controverted election for the county of Oxford, a certified copy of the different poll books in his possession of the last election for the said county, and that the Commissioners appointed to take the said examination, be permitted to receive the same in lieu of the original poll books.

Petitions
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Smith, of Frontenac, the Petition of G. Rutledge and others, of the township of Loughborough.

By Mr. LeMoine, the Petition of G. Weldon and others, of the seignior of Iacolle, in the county of Huntingdon.

By Mr. Cauchon, the Petition of the members of the Quebec Debating Society.

By Mr. Boulton, the Petition of John W. Kerr and others, members of the United Church of England and Ireland, in the township of Bayham and parts adjacent, in the diocese of Toronto.

By Mr. Price, the Petition of Alfred Patrick, second Clerk of Committees to this House.

By Mr. Laurason, the Petition of James Farley and others, of the town of London, in the district of London.

By Mr. Macdonald of Cornwall, the Petition of the Provincial Committee of the Montreal Temperance Society.

By Mr. Cummings, the Petition of the Reverend T. B. Fuller and others, members of the United Church of England and Ireland, in the parish of Thorold, and district of Niagara, (relating to the Clergy Reserves); the Petition of Peter Laroman, senior, and others, of the Niagara district; and the Petition of the Reverend T. B. Fuller and others, members of the United Church of England and Ireland, in the parish of Thorold, in the district of Niagara, (relating to the Common School Act).

By the Honourable Mr. Moffatt, the Petition of Robert Scott and others,

proprietors of St. George's Church, of Montreal.

By Mr. Macdonald, of Kingston, the Petition of William Wilson and others, merchants, manufacturers and traders, of the town of Kingston.

By Mr. Cameron, the Petition of James L. Grant, late Sergeant Major in Her Majesty's service.

By Mr. Prince, the Petition of Joseph Munger, senior, and others, of the township of Colchester, in the Western district.

By Mr. Dunlop, the Petition of the Grand Jury of the district of Huron; and the Petition of Alexander Campbell and others, of the township of Williams.

Petitions read.

Pursuant to the Order of the Day, the following Petitions were read:--

Of James Laing and others, members of the United Church of England and Ireland, in the townships of Warwick and Adelaide, and parts adjacent, in the diocese of Toronto; the Petition of the Reverend Thomas S. Kennedy and others, members of the United Church of England and Ireland, in Darlington and Clarke, and parts adjacent; the Petition of John Thompson and others, members of the United Church of England and Ireland, in the township of Cavan, and parts adjacent, in the diocese of Toronto; the Petition of the Reverend Thomas Green and others, members of the United Church of England and Ireland, in the town of Niagara and its vicinity; the Petition of the Reverend William Leeming and others, members of the United Church of England and Ireland, in the village of Chippawa, in the diocese of Toronto; the Petition of Henry C. Cooper, B.A. and others, members of the United Church of England and Ireland, in the Devonshire settlement, in the diocese of Toronto; the Petition of John Shepherd, and others, members of the United Church of England and Ireland, in the town of Goderich and its vicinity, in the diocese Toronto; the Petition of Robert Owens and others, members of the United Church of England and Ireland, in March and Huntly and parts adjacent, in the diocese of Toronto, praying for an Address to Her Majesty, recom-

(146)

mending the passing of an Act to assign to the said Church of England, such proportion of the Clergy Reserve Lands as shall correspond with her share of the funds arising from the same; and to authorize the Church Society of the diocese of Toronto, to propose a system for the future management of their portion of the said Lands.

Of the Reverend Louis Proulx and others, of the district of Dorchester, praying an aid to build a public bridge of one arch across the river Etchemin, in the county of Dorchester.

Of Donald M'Intosh and others, of the parishes of St. Polycarpe, St. Ignace, and St. Joseph, in the county of Vaudreuil, praying for amendments in the Municipal and Common School Laws, and that the plank road at the Cedars may be continued over L'Isle Perrot, and thence down to the Lachine road, ending opposite the proper ferries on the said island and the island of Montreal.

Of Michel Christin, junior, of the parish of St. Ignace du Coteau du Lac, praying indemnity for losses sustained by the death of his son and daughter, who were drowned in crossing from Beauharnois, which they were obliged to leave in consequence of threats against their lives, by the labourers on the canal.

Of William Conner and others, masters and journeymen shoemakers, in the district of Victoria, praying that a certain duty may be imposed upon all articles manufactured of leather, imported from the United States.

Of John Gibbs, of the township of Seymour, praying to be indemnified for the loss of his store, which was burnt in consequence of the disturbances on the public works of the river Trent, in the said township.

Of the Mohawk nation of Indians, of the Bay of Quinté, Canada West, praying that the whole tract of land included in their agreement with the Government, may be disposed of for their benefit without reservation; or otherwise that such reserve be appropriated to the religious instruction and education of their tribe.

Of Charles DeWitt and others, of the township of Godmanchester, in the district of Montreal, praying that the said township may remain undivided, as it is at present.

Of the Religious Ladies of the "Hôtel Dieu," of Montreal, praying to be duly authorized to invest the funds which may arise from the commutation of the tenure of lands in fief, held by them.

Of John Williamson and others, of the township of Saltfleet, praying for aid to complete certain parts of the macadamized road from Queenston to London, and thence to Sandwich.

Of John Hannill, of the town of Brantford, in the district of Gore, carpenter, praying for the payment of a balance due on his contract for building a bridge over the Grand River at that place.

Of Daniel M'Dougal, of the town of Niagara, praying for the passing of an Act to incorporate the said town.

Of John D. McKenzie and others, of the township of Beverley, in the

district of Gore, and other places, praying compensation for losses sustained by them in consequence of an erroneous survey, by the correction of which they are dispossessed of a valuable portion of a tract of land in the Gore of Beverley.

Of Joel Smith and others, members of the United Church of England and Ireland, in the township of Grimsby, praying for an alteration of the present system for the regulation and maintenance of common schools.

Of Charles Hales and others, merchants and traders of the town of Kingston, praying for a reduction of the duties on tea, coffee, and tobacco, imported from the United States.

Of William Shepherd, Esquire, and others, trustees of the Quebec Turnpike roads, praying for authority to raise a further loan of £8,882, to complete the works on the said roads.

Of Jacob Brown and others, of the township of Osnabruck, praying compensation for injury done to their farms and orchards, during the construction of the St. Lawrence canal.

Of George Robertson and other, of the village of Milleroches, praying to be remunerated for damages done to their property on the line of the St. Lawrence canal.

University of King's College. Of the trustees of Queen's College, at Kingston, praying for such an alteration in the constitution of the University of King's College, at Toronto, as will secure to all sections of the community, a fair share of influence in the said University, or that Queen's College may be endowed, and provision made for its expenses during the last three years.

Ordered, That one hundred copies of the said Petition be printed, in each of the English and French languages, for the use of the Members of this House.

Mr. Prince, chairman of the Select Committee, appointed to try the merits of the Petition of William Harris and others, freeholders of the county of Grenville, in the district of Johnstown, complaining of the undue election and return of Hamilton D. Jessup, Esquire, sitting Member for the said county, presented to the House the final Report of the said Committee, which was again read at the Clerk's table, as followeth:--

Resolved, That Hamilton D. Jessup, Esquire, Sitting Member for the county of Grenville, had a majority of votes on the poll books taken at the said election, and is therefore duly elected to serve as the Member for the said county, in this present Parliament.

Resolved, That the Petition of William Harris and others, against the

return of Hamilton D. Jessup, Esquire, to represent the county of Grenville in this present Parliament, is not frivolous or vexatious.

Resolved, That the defence of Hamilton D. Jessup, Esquire, the Sitting Member, is not frivolous or vexatious.

J. Thompson and others.

Ordered, That the Petition of John Thompson and others, members of the United Church of England and Ireland, in the township of Cavan and parts adjacent, in the diocese of Toronto; and the Petition of the Reverend Thomas S. Kennedy and others, members of the United Church of England and Ireland, in Darlington and Clarke and parts adjacent, be referred to the Select Committee to which was referred the Petition of the Church Society of the diocese of Toronto; and other references.

M. Burnham and others.

Ordered, That the Petition of Mark Burnham and others, members of the United Church of England and Ireland, in the village of St. Thomas

(147)

and its vicinity, in the diocese of Toronto; and the Petition of James Lang and others, members of the United Church of England and Ireland, in the townships of Warwick and Adelaide and parts adjacent, in the diocese of Toronto, be severally referred to the said Committee.

C. C. Greece and others.

Ordered, That the Petition of C. C. Greece and others, proprietors whose lands are intersected by the Grenville canal, be referred to the Special Committee to which was referred the Bill to provide a legal recourse to Her Majesty's subjects in this Province, having legal or just claims upon the Executive Government thereof, and to enable Her Majesty the more effectually to do justice in such cases.

A. Irvine and others.

Resolved, That the Petition of Adam Irvine and others, of the village and township of Ancaster, in the district of Gore, be referred to a Select Committee, composed of Mr. Smith, of Wentworth, the Honourable Mr. Solicitor General Sherwood, Mr. Thompson, Mr. Price, and Mr. Merritt, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

M. Christin.

Ordered, That the Petition of Michel Christin, junior, of the parish of St. Ignace du Coteau du Lac, be referred to the Select Committee to which was referred the Petition of the Reverend J. O. Archambault and others, of the parishes of St. Timothée and St. Clément.

G. Robertson
and others.

Ordered, That the Petition of George Robertson and others, of the village of Milleroches, be referred to the said Committee.

J. Brown
and others.

Ordered, That the Petition of Jacob Brown and others, of the township of Osnabruck, be referred to the said Committee.

Forges of
St. Maurice.

Ordered, That two hundred and fifty copies of the return to an Address of this House, to His Excellency, the Governor General, of the ninth of December last, on the subject of the Forges of St. Maurice, be printed in each of the English and French languages, for the use of the Members of this House.

On motion of Mr. Prince, seconded by Mr. Duggan,

West Halton
Election.

Ordered, That the Clerk of the Crown in Chancery do transmit to the Chairman of the Commissioners appointed to take the examination of witnesses in the matter of the contested election for the county of West Halton, a certified copy of the different poll books in his possession of the last election for the said county; and that the Commissioners appointed to take the said examination, be permitted to receive the same in evidence, in lieu of the original poll books.

Courts of
Queen's Bench.

The Order of the Day for the second reading of the Bill to enable the several Courts of Queen's Bench in Upper and Lower Canada, to issue writs of Subpoena ad testificandum, as therein mentioned, being read,⁴

MR. ((R.)) MACDONALD, of Cornwall, explained the principle of ((the)) bill, which is intended to remedy a great inconvenience at present existing, in consequence of the inability of subpoenaing witnesses out of the jurisdiction of Court, and moved that it should be referred to a select committee.⁵

L'hon. M. SHERWOOD appuya le bill, disant que dans le Haut-Canada les cours pouvaient bien contraindre la comparution des témoins résidant dans les limites de cette section de la province, mais qu'elles n'avaient aucun moyen de s'assurer de la déposition de personnes placées hors de ces limites, leur comparution devant des commissaires n'étant que facultative. Que dans ces cas il arrivait souvent qu'on ne pouvait obtenir les témoignages nécessaires, et qu'il en résultait de graves embarras.⁶

M. CHRISTIE s'oppose au bill; il dit qu'il est contraire au système civil du Bas-Canada où l'on ne peut pas forcer les témoins à dépasser

seulement les limites de leurs districts respectifs, et qu'assurément ce serait les soumettre à de sérieux inconvénients que de les contraindre, par exemple, à se rendre du district éloigné de Gaspé à Toronto. Que dans le Bas-Canada on procède par commission.⁷

L'hon. M. LAFONTAINE est opposé au principe du bill.⁸

Il s'élève une discussion incidente sur le point de savoir si parce que le bill est fixé à sa dernière lecture il est censé ((être)) approuvé en principe.⁹

MM. LAFONTAINE et BALDWIN ((suggèrent)) qu'il faut auparavant qu'il ait été fait une motion spéciale à l'effet de faire passer un bill à sa deuxième lecture et que cette lecture ait en conséquence eu lieu.¹⁰

L'hon. M. AYLWIN dit qu'il concourt dans les observations du savant solliciteur-général.¹¹

M. MERRITT dit que l'hon. membre pour Terrebonne faisait bien de s'opposer au bill; que ci-devant on avait amplement l'occasion de discuter le principe d'un bill, car on le faisait en comité spécial, au lieu qu'à présent, depuis l'Union, on le fait en pleine chambre, ce qui n'offre qu'une occasion, qu'on peut laisser passer inaperçue.¹²

M. DRUMMOND fait observer que l'hon. membre pour Terrebonne n'est pas le seul qui soit opposé au principe du bill; que lui (M. D.) y est opposé aussi, et fortement. Que sans doute c'est un malheur que dans le Haut-Canada on soit obligé de faire venir des témoins de loin, et il n'objecte pas qu'on puisse remédier à ce mal, qu'on donne aux commissaires chargés de prendre les dépositions les pouvoirs nécessaires pour contraindre la comparution des témoins, puisqu'elle n'est que facultative dans le Haut-Canada; mais qu'il doit s'opposer à ce que l'on puisse forcer des témoins à se rendre dans le Haut-Canada, non seulement de Rimouski ou de Gaspé, mais même de Montréal ou d'aucun endroit du Bas-Canada; qu'alors pour un mal moindre dont a à se plaindre le Haut-Canada, nous aurions un mal bien plus grave, et c'est ce qu'on ne doit pas permettre.¹³

M. ((R.)) MACDONALD (de Cornwall) dit qu'il voit bien que son bill n'est pas parfait; et qu'il n'aura aucune objection à le modifier de manière à le rendre plus conforme aux exigences du Bas-Canada, tout en portant remède au mal, et que ce sera dans le comité spécial que messieurs de la robe auront le mieux occasion de l'aider dans cette tâche.¹⁴

M. LAFONTAINE dit que comme on lui demande s'il est en faveur du principe du bill, il doit déclarer qu'il n'est pas opposé au principe de faciliter la prise des dépositions, mais qu'il objecte au principe qu'on puisse contraindre des témoins à se rendre devant des tribunaux éloignés.¹⁵

MR. CHRISTIE moved, in amendment, that the said bill be referred to a committee of the whole house. ((The)) amendment was withdrawn.¹⁶

(147)

The said Bill was accordingly read, and referred to a Select Committee, composed of Mr. Macdonald, of Cornwall, the Honourable Mr. Solicitor General Sherwood, the Honourable Mr. Baldwin, the Honourable Mr. Aylwin, Mr. Macdonald, of Kingston, and the Honourable Mr. LaFontaine, to report thereon with all convenient speed; with power to send for persons, papers, and records.

On motion of Mr. Prince, seconded by Mr. Duggan,

West Halton
Election.

Ordered, That James Durand, Esquire, the Petitioner complaining of the undue election and return of James Webster, Esquire, for the county of West Halton, and the Sitting Member, do exchange, on or before the first Monday of February next, at one o'clock, P.M., lists of the voters objected to, giving the several heads of objection, and distinguishing the same against the names of the voters excepted to by them respectively; such lists to be delivered as follows, that is to say,--the list on the part of the Petitioners to be delivered to or left at the residence of Adam Ainslie, Esquire, of the town of Galt, in the district of Wellington, as agent for the Sitting Member at the said town of Galt; and the list on the part of the Sitting Member to be delivered or left at the residence of himself at Dundas, for the Petitioners.

St. Hyacinthe
Election.

The Order of the Day for the consideration of the Petition of Leonard Boivin and others, electors of the county of St. Hyacinthe, complaining of the undue election and return of Thomas Boutillier, Esquire, for the said county of St. Hyacinthe, being read,

Ordered, That the said Order of the Day be postponed until Monday next, and that it be then the first Order of the Day.

Loughborough
and Pittsburgh.

The Order of the Day for the second reading of the Bill, to set apart certain parts of the townships of Loughborough, Pittsburgh, and Kingston, in the Midland district, and form the same into a new township, being read,

Ordered, That the said Bill be read a second time on Friday, the twenty-fourth instant.

Meetings of
Relations.

The Order of the Day, for the second reading of the Bill to enable Notaries to call meetings of relations and friends in certain cases, without

being thereunto specially appointed, or authorized by a Judge, being read,

The said Bill was accordingly read, and referred to a Select Committee, composed of Mr. Lacoste, the Honourable Mr. Attorney General Smith, the Honourable Mr. Aylwin, Mr. Méthot, and Mr. Laurin, to report thereon with all convenient speed; with power to send for persons, papers, and records.

District Rates. The Order of the Day for the second reading of the Bill, to provide for the recovery of the rates or taxes intended to be imposed by certain by-laws of the district Council of the district of Huron, being read,

The said Bill was read accordingly.

Mr. Dunlop moved, seconded by Mr. Macdonell, of Dundas,

That the said Bill be now committed to a Committee of the whole House.¹⁷

MR. BOULTON hoped that this bill would not be passed at that time, but referred to a Special Committee.¹⁸

DR. DUNLOP did not see why he should take that course, there was no specialty in the law.¹⁹ ((He)) would have it referred to a committee of the whole House, forthwith.²⁰

MR. BALDWIN would refer it to a special committee.²¹

MR. BOULTON said, that in that case, he should move ... ((an)) amendment.²²

(147)

Mr. Boulton moved, in amendment, seconded by Mr. Riddell,

That the word "now," in the said motion be struck out, and the words "this day six months," substituted.

The facts of the case (which, he ((MR. BOULTON)) had no doubt, the whole of the members had been put in possession of by a circular addressed to them by the Canada Company,) were these: under the Municipal Act, the District Council of Huron was empowered to tax wild lands and other property, but previous to so doing, it was called upon to ascertain the amount required to be raised, and to levy the assessments accordingly; but they had neglected to ascertain the amount, and had levied this tax in direct opposition to the enactments of the statute which gave it being.²³ By this illegal law, the Company²⁴ who held a large tract of land in that District²⁵ was assessed five times as much as they ever were before.²⁶ It took the opinion of counsel,²⁷ and, discovering the illegal manner in

which it was passed, knew that it could not be enforced.²⁸ The District Council also took the opinion of counsel, and found the bye-law to be illegal, but it neglected to amend it, by complying with the requisitions of the law,²⁹ and passed a third one.³⁰

DR. DUNLOP -- No! no!³¹

((MR. BOULTON--)) Yes! they did pass a third bye-law.³² The first bye-law was passed in February, 1842, and taxed wild lands at 1d per acre, or five times what they had been previously taxed at; in November of the same year, when the Council met again, in consequence of a refusal to pay this, instead of passing an amendment, in accordance with the statute, it refused to impose any taxes³³, until the tax was paid, thus leaving the district without any provision for the entire year.³⁴ In November, 1843, it passed another bye-law, reducing the tax to $\frac{3}{4}$ d per acre upon wild land, and 1d in the pound upon property, but still without taking the necessary steps to legalize the act, by ascertaining the amount required to be raised, and proportioning the assessments accordingly.³⁵ Of course it was resisted, and every man in Upper Canada would admit the justice of doing so.³⁶ Now, the bill brought in, after attempting for three years to extort ----³⁷

DR. DUNLOP -- Extort! No! No!³⁸

MR. BOULTON -- Perhaps he was wrong in saying "extort," exact would be better.³⁹ Extortion merely meant the demand of a larger sum of money than the council was entitled to.⁴⁰ After attempting, for three years, to exact this illegal tax, ((it)) was intended to legalize the illegal acts of the Huron District Council, and enable it to force the payment of these assessments. The Canada Company was ready to pay what was just: it had tendered the money to the Council. Holding, as that Company did, an immense tract of land in the Huron District, it was an object of jealousy to the inhabitants -- the whole population was against it, and he called upon that House to protect it, and not allow it to be compelled to pay more than was absolutely required by law. He trusted that Hon. Gentlemen would not sanction the illegal acts of the Municipal Council, but adopt the amendment he offered. This was a question that did not call for the interference of the Legislature; the District Council, by amending its bye-law, and complying with the provisions of the statute, could set the matter right itself. And although that amendment would not have a retrospective effect, and enable them to collect the amount claimed, yet by an Act of Parliament, wild lands were still taxed to a certain extent, and the amount of that tax the Company were prepared to pay.⁴¹ He therefore begged the House not to give its sanction to the bill and he hoped it would agree to the amendment, to go into committee on that bill this day six months.⁴²

DR. DUNLOP knew very well that the Bill he had brought forward would

be strongly opposed at every stage. It would not be opposed upon the principle of justice, but upon that of law.⁴³ (Hear, hear.) Briefs have been sent down by the Canada Company to several legal gentlemen in the House. He had seen some of them, and the plan laid down is not to defeat the bill, but to procure a delay; in short to take no notice that such a thing is going on at all. It was no sudden thought which had induced the Council to ask him to introduce this bill. It was canvassed for nine months, and during that time the Canada Company was repeatedly asked honestly to pay what it owed, and they would'nt do it.⁴⁴

MR. BOULTON -- They tendered the amount.⁴⁵

((DR. DUNLOP--)) No, no, he desired the learned gentleman to let him alone. It was his (Mr. Boulton's) business to make the house believe that which was not the case, but he (Dr. Dunlop) was going to make the house believe what really is the case, (hear, and laughter). The learned gentleman's interruption put him in mind of the negro who was cross-questioned by a sharp lawyer.⁴⁶ The negro boy ... said - "Massa, you want me tell story your way; if you no let me tell him my way, I no tell him at all." (Loud laughter.) In November last, the District Council finding it impossible to come to an amicable arrangement with the Canada Company, directed him (Dr. D.) to prepare a Bill, which he had done, and it was now before the House. Delay was now wanted, upon the plea that the Company were not aware of what was going on: it was in vain for them to say they were not aware of what was doing, the District Council sat in open Court, where all might come, and, unfortunately for the Company's cause, their second officer in Canada, the chief one in the Huron District, was a member of the Council, and consented to the measure. He had felt himself in a delicate situation in bringing forward this Bill, he had a duty to perform as Warden of the District, and its Representative; and, as it might be supposed that, as an owner of land himself, he had a leaning towards taxing the Company more than himself; but the District Council were honest men,⁴⁷ at Huron, and would not tax their neighbours more than their share, and it will be quite time enough for people to call out when they are hurt; just so it was with the Canada Company. In coming down here he felt he had a very difficult duty to perform, and never felt so much relief as when the Company published the manifesto which is in the hands of every member. It was quite correct, except some very slight errors not worth picking out. The moment it fell into his hands he showed it to the committee, and on it predicated the bill before the house, and by means of it intended to nonsuit the learned counsel.⁴⁸

MR. BOULTON hoped that hon. gentleman would not address himself to him as the counsel of the Canada Company, but as a member of the House.⁴⁹

DR. DUNLOP asked his pardon. But he would have the glorious satisfaction of seeing the Company (he would not call them his clients) non-suited on their own shewing, if the bill were carried through the House,

as he trusted it would.⁵⁰ The Legislature passed the Municipal Council's Bill, it gave the people the privilege of electing their representatives, it gave them power to tax the wild lands of the Districts, and apply these taxes to its wants; but it had not given them the powers of a Parliament, it had allowed them an unlimited power of taxation, but restrained them within certain bounds; 3d an acre had been first proposed, and it was afterwards limited to 1½d. They were now told that they had not done their business in a Parliamentary manner, the Councillors were respectable yeomen who came from the plough to manage the affairs of the District, they had a gaol to build, bridges to repair, and roads to improve, and it was not to be supposed that they were very conversant with legalities. He (Dr. Dunlop) was not present in the Council at the time the Bye-law was passed, the roads had broken up,⁵¹ their horses were always tumbling through⁵², a bridge had given way, and the stage was delayed; but he would not have been ashamed if he had been. These farmers and clodhoppers, it was said, had done an unparliamentary thing, and ought to be punished for it; they knew, and all the world knew they were in debt for the building of their gaol, they had the administration of justice to provide for, bridges to build, and bad roads which no one could be as well aware of as themselves; but they were told it was their duty to ascertain the amount required for these things; as to the amount, they wanted enough to pay their debts: as for the application, that was not left to them, the law had provided for that; 1st, there was the administration of justice, that was an appropriation which took precedence of all others, before that was satisfied, they could provide for nothing else.⁵³ He would give excellent reasons why a delay should not be granted. The Company is selling lands at an enormously rapid rate, the leasing system is filling up the Huron tract. When he first came to parliament as a representative which is not quite four years ago, he represented the smallest country population of any member in the House, 5,300. The second year, the population was upwards of 7,000. Last year upwards of 11,000. And he is certain that next year, he will be the representative of 14,000 people, (hear, hear.) And the Company is relieved from paying the tax on 200 or perhaps 500 acres of land by every new settler, (hear, hear.)⁵⁴ The settlers upon the lands of the Company were not compelled to pay a shilling upon occupation, but were charged a yearly rent; and every one of these settlements relieved the Company of a portion of their taxes. It was ((understandable)), therefore, that they were so anxious for delay, that the taxes might be shifted from the shoulders of these innocent lambs to those of the poor. That House was attempted to be bamboozled with the plea that the company was not aware of the measure before it; he might as well be told that the country did not know that the Parliament was sitting, or that it was there to legislate.⁵⁵ God bless their innocence, they had not the slightest idea of any thing so horrible! Why the Council House is not thirty yards from their own office with the doors wide open, crowds of people going in and out, and one of their own officers a member of it, from whom he received the information on which he predicated his bill, (hear, hear.) -- Let the hon. gentlemen

show one single instance, in which a voice was raised against this taxation by the inhabitants of Huron. Mr. Widder, to be sure, cried out, but he is not an inhabitant or proprietor there.⁵⁶ Not one solitary individual, with the exception of the company, for three years it had been in operation, and had been regularly paid; and that very day he had laid upon the table of the House the petition of the Grand Jury in favour of the Bill. The District Council, in consequence of the refusal of the Company to pay their quota, had been compelled to seize the books, desks, stools, and furniture of the office.⁵⁷ What was the Canada Company? -- A wealthy monied corporation, that had got an immense advantage.⁵⁸ He would not apply to them a remark which had been made to him by the late Lord Sydenham respecting them, Lord Sydenham said that instead of being the liberal high-minded men they set forth they were in their prospectus, they were a set of rapacious land-jobbers; such was the opinion of that nobleman.⁵⁹ No, he would not say that, but it was the opinion of a man who had some acquaintance with them. They said that the wild lands were just dead stock on their hands, that might be a very pretty story when they don't examine into it.⁶⁰ He hoped by and bye to hear a few other reasons brought forward for resisting the tax. The Canada Company had bought these lands for about one shilling sterling per acre, if he had a slate and sponge there he would prove it to the House. He would tell the House the manner in which they acquired them: -- They had bought the whole of the Crown and Clergy Reserves from the British Government, under the Administration of Lord Bathurst, when his talented friend Mr. Galt, with whom he (Dr. D.) came to this country, was their Agent; the agreement for that purchase was upon the Journals of the House; they were to get the whole at the rate of 3s.6d. per acre; the bargain was struck, and things pretty far on, when in bounced Dr. Strachan, like a roaring lion seeking whom he might destroy, and threatened the Government with the Judges, and the whole Bench of Bishops, Lord Bathurst got frightened, sent for Galt, and told him that he could not stand to his original agreement, and that the Clergy Reserves could not be included in the purchase; Mr. Galt said, that if he could not fulfil the bargain, he must give an equivalent, and so he did, instead of 700,000 of Clergy Reserves the Company received for the sum of money one million acres in the Huron District, and there being some poor sandy land in this, 100,000 acres more to boot; now this was a reasonable good bargain, but Galt finding he had got the Governor's nose in his grip, compelled him to abate one third of the purchase money. (Hear! hear!) That was a goodish bargain.⁶¹

MR. BOULTON rose to order. He was sure that the hon. gentleman was giving some information which the house had never heard before, but he could not see any necessity for letting the house know of the bad bargains of the Government.⁶²

DR. DUNLOP -- said if the House was tired of his explanations, he would not attempt to cram them down his throat.⁶³

Cries of "No! no! Go on."⁶⁴

((DR. DUNLOP continued,)) That was not all, however, the Company got sixteen years to pay it (hear, hear) without interest, and yet⁶⁵ now the Company complained of this wretched bargain, and of its affording them no profit, although tens of thousand((s)) of dollars were, and soon, hundreds of thousands would be going home annually from the Huron tract.⁶⁶

MR. AYLWIN -- What do they sell it for now?⁶⁷

He ((DR. DUNLOP)) was coming to that if they would only let him go on.⁶⁸ Taking into consideration that for common quality lands they never received less than 12s 6d currency per acre, and ordinary 15s, and for town lots of one fourth of an acre Goderich £50, and corner lots £75, being at the rate of £200 and £300 an acre for what eighteen years ago cost them one shilling; it was not such a very bad bargain. (Hear! hear!) Yet that pretty paper, the circular of the Company, told them that wild lands were dead stock. How came it that land had increased so enormously in value? Eighteen years ago⁶⁹, when he first explored the Huron Tract, he would not have taken the stand of Goderich, which is now selling for £50 or £75 a lot, and in the more settled parts of the town, he had known as much as £300 and £400 given, he would not have then taken it as a military grant for a free gift.⁷⁰ When he first settled there his nearest neighbour was seventy-one miles away, and he had to travel with his provisions through the bush⁷¹ by a surveyor's blaze (hear)⁷² and when he went to the mill it was on horseback with a sack of oats behind him, and his provisions on his saddle.⁷³

Cries of "And a horn!"⁷⁴

((DR. DUNLOP continued,)) What had made lands which were then bought for one shilling, now worth £300 an acre? It was the labour of the inhabitants who had settled there; it was we the settlers ((who)) did it; it was us, and no one but us. It was true that the Canada Company had made roads -- with Government money. (Laughter.) They might complain of the District Council, but it had undertaken to make a road for the Company, and one of their Commissioners, Mr. Jones, acknowledged they had done for £350 more than the Company could do for three times that amount. That proved that the Council were not extravagant. The Company had set forth that in other districts where their lands were mixed up with those of the settlers they had paid their taxes quietly, and the inhabitants in taxing them, taxed themselves; and would not the same argument apply to the lands in Huron District. The Canada Company owned 7-10ths of the District, and were bound to be taxed in proportion; and under whatever plea they attempted to evade the payment, the House was bound to treat such conduct with condemnation and scorn, -- (Hear! hear!) -- and show them that the laws were made for the good of the whole, and not for one party.⁷⁵ "But those fellows of Huron will lay a heavier tax on us than they will on themselves." When they did so, he hoped that a complaint would be made to this House, and that the House would brand such conduct

with infamy -- (Hear.) In conclusion, he apologised for detaining the House longer than usual, and he hoped he would not have to say any thing more before they went into committee on the Bill.⁷⁶

MR. MEYERS rose to oppose the motion of the member for Huron for various reasons, and he thought that every hon. gentleman when he read the Bill, and the explanation of the Canada Company⁷⁷ for its refusal to comply with the bye-law of the Huron Council, which was sought to be confirmed by this bill, and which at present was utterly null and void⁷⁸ would do the same. In the first place the object of the Bill was to avoid the passing of a By Law by the District Council of Huron and to legalize an illegal act, thereby giving it a retrospective action; it might not be of very great weight if this were the only similar case which was likely to arise; but let the House confirm a By-Law of this nature once, and its whole time would be in future occupied in giving operation to illegal Acts, and doing for others what they had left undone. The By Law in question had passed by a majority of one and⁷⁹, he was quite sure, if the voices of the people of Upper Canada could be taken upon it, that it would be universally condemned.⁸⁰ The Council knew well when they passed the law which the Bill before the House was to confirm that they had done an illegal act, although knowing the Warden as well as he did, he could not suppose that he was privy to it, but he believed from the high character of that gentleman, that had he been present, it would not have been done.⁸¹ Its illegality was so plain, that he should do no more than state the facts to the house, without any comment.⁸² The House had been jealous of transferring the power of taxation, and had limited its extent, and affixed to it certain adjuncts; the Municipal Councils were bound to ascertain the amount which was required; after that it had to be proportioned, a certain part was to be levied upon personal property, and another quota from Real Estate;⁸³ the proportion was not defined which each kind was to contribute, but it was necessary that each should pay something towards the amount required. --Now, the Huron district council had not complied with either of these requirements of the law; but had levied a tax on wild lands five times greater than they had hitherto been charged with, without mentioning the sum which was wanted for the public purposes of the district. All the land was in the hands of the Canada Company, and the Huron Council had from its very first meeting exhibited a very ill-feeling towards that body; and he would ask the house whether, under such circumstances it would pass an ex post facto law, to compel the Canada Company to pay a tax which no law had authorized. As to the remarks of the hon. member for Huron on the formation and management of the Company ... ((in question,)) he thought that no higher praise could be afforded to it, than the observation of that hon. gentleman, that when he first knew the country, their land would not have been accepted as a gift, and that it was now worth £3 per acre. The hon. gentleman, however, should not have forgotten to tell the house that the improvement had arisen entirely from the good management of the Company's affairs. The general complaint of the holders of wild lands was, that they would not sell, but this was not the case with the

Canada Company, which was universally acknowledged to be the best managed and most liberal public body in the Province.⁸⁴ He concluded by saying that he would oppose the bill, and vote for the amendment, and he trusted that the House would support the application of the Company for justice in the matter.⁸⁵

MR. BOULTON, in rising to reply to the remarks of his hon. friend from Huron, would remark upon the support which that gentleman had endeavoured to obtain from the other side of the house, but persuading the members of the opposition, that this Canada Company had made the best bargain that had ever been made with a bad Government -- that it had got all the best lands in the country -- had paid nothing for them -- was selling them at an enormous profit, and was not content without trying to get rid of its fair share of taxation imposed by the by-law of the District Council. In this manner the hon. gentleman had continued to lose sight of the real question at issue, which was this, whether, if the Council of the Huron District had neglected to take the steps which the law required, the house would legalize their illegal act, and that after an interval of three years had elapsed, without any application having been made for its interposition. The Canada Company did not wish to avoid taxation, but notwithstanding the statement of the hon. member for Huron, that other persons had paid the tax. He (Mr. Boulton) would ask the house whether the managers of that company would be doing their duty to the shareholders, if they did not resist a tax imposed upon them in a way which was decidedly illegal, and no one knows its illegality better than the hon. member for Huron. The only argument that the house had before it, in favour of the bill was this, that the Huron District Council was in want of money, that the hon. member who had charge of the bill had stated to be the case, and he (Mr. Boulton) was quite sure that the house might take it upon his authority. He would just remark upon what had fallen from the hon. member, as to an insinuation which he appeared to think that he (Mr. Boulton) had made against him: he begged to assure that hon. member that he had never supposed, for a moment, that he would attempt to mislead any committee, and certainly he never intended to convey such an idea to the house; on the contrary, he was sure that the hon. member was quite incapable of such conduct. He would not go into the question of whether the Canada Company had made a proper bargain with the Crown, though he believed that the lands might have been sold with much greater advantage to the country, but he would apply himself to the existing facts of the case, which were these: the Act of George III., imposed a tax upon wild lands in Canada, and that tax was the only one legally levied, so long as the District Councils neglected to pass their by-laws in the manner prescribed by the statute. So far from the company being unwilling to pay their taxes, as might be supposed from what had been said by his hon. friend, they had taken the trouble to ascertain what was the amount due by them, and had tendered that amount, in order to prevent any litigation, and in order to prevent the Council of the Huron District from having an empty treasury. The

sum tendered was the sum which the Council had the right to receive under the old law, but the Council thought it had not shown that it required more money, as it was legally bound to do, yet had levied upon the Canada Company five times the former amount of taxation required from it; and that upon a million acres of land which were absolutely unproductive.⁸⁶

Cries of "No, no."⁸⁷

((MR. BOULTON resumed:)) Yes; the former duty was one fifth of a penny per acre; and the new one, one penny per acre; that was five times the old tax. He would ask whether the house was prepared to pass Acts to form District Councils, and then to legalize any illegal laws which those councils might pass. If it did, hon. gentlemen might rely upon it that more legislation would arise out of the illegal proceedings on the subject of these councils, than they had at present; and he believed that the house would agree with him that there was already quite enough of it. It was all very well to argue that the Canada Company had made an advantageous bargain, and therefore ought to pay this tax, but it should be recollected, that at the time it was made the speculation might have turned out a bad one, as well as a good one; though he must admit that the probabilities were all in favour of its success. But if the house was to interfere in this manner, with the rights of parties, merely because they had made good bargains, they would be called upon to tax some unlucky individuals to four or five times the amount which the rest of the community was bound to pay. Besides all this, he found that this abominable Canada Company had lent to the Huron District Council the sum of £2000.⁸⁸

DR. DUNLOP said they had done so, but they had interest for it, and were to be paid out of the taxes which might be due from them.⁸⁹

MR. BOULTON continued -- At all events he came to the conclusion that the circumstances of the case did not justify the Council in their claims; and he could only say, that if any persons had paid the tax as the hon. member for Huron said they had, that he (Mr. Boulton) supposed they did so, because they would not litigate a trifling matter of five or six shillings; but the matter was a very different one, when the claim dealt with millions of acres.⁹⁰

The Solicitor General (West) ((MR. H. SHERWOOD)) said, that the Canada Company was one that ought to be encouraged, and in any thing reasonable should have his sympathy. It had, perhaps, been his own fault that he had not read this bill sooner, but so far as he understood it, if pressed to a division, he must vote against it, and that he did not wish to do.⁹¹ If any Company ought to have taxes imposed upon it, it should be the Canada Company -- that body had acquired a large tract of the most excellent land at a price which was next to nothing, and were now selling it at an immense price, the whole profit of their transactions going out of the country.

This objection to the Bill, however, was this -- and it was his only one -- that the principle of the Bill was that of ex post facto legislation, that (sic) which there could be none more obnoxious, nothing more unconstitutional.⁹² If the bill were to compel the Company to pay in future, he would most cheerfully vote for it, but this was to compel them to pay for three years back. The municipal ordinances were a mere nullity; they could not be enforced, there was no law made by which the taxes they imposed could be levied. To direct them to be levied for three years back, would be unquestionably an ex post facto law. He would cheerfully give his support to this bill if he could, but he had looked every way, and could not see how. He was there to do justice, and must look at it merely as a question of constitutional law, and in that view, he could not join in a bill to make any number of the inhabitants, for in that light he must view the Company, contribute taxes, for one, two, three, or ten years back, which they could not be compelled to pay previous to the passing of the bill. (Hear! hear!) If the bill were allowed to stand over for another week, he, perhaps, might be able to give it his support, and he was the more anxious to do so, as it appeared that all the other inhabitants of the District had paid their share of the tax, and he thought it was desirable, if it could be done with propriety, to compel these persons to pay also.⁹³

MR. MERRITT was not surprised at the arguments of the hon. member for Huron, but he certainly wondered to hear the reasons given by the hon. member for Toronto.⁹⁴ An allusion had been made to the fact of the Canada Company being absentee proprietors, and the inference drawn that the House ought therefore to seize any opportunity of taxing them; but so far from subscribing to this doctrine, he thought the House ought, if possible, to use greater case in taxing those who were absent than those who were present (hear.) There was no object they ought to have more at heart than the inducing the flow of capital into this country, and nothing which they ought more carefully to avoid than the doing any thing which might avert so beneficial an influx. The Canada Company were not to blame, because they had made a good bargain with Lord Bathurst, and the Colonial office had given away to them what was the property of us, the people of Canada. Nor were they to blame, because by their own good management they were enabled to sell these lands at a large profit. Instead of moving envy and jealousy their example ought to stimulate us to imitate it. For what were we doing with our own Crown Lands? Wasting them.⁹⁵

Hear, hear, from both sides of the House.⁹⁶

((MR. MERRITT continued:)) Not even this session ought to be allowed to pass without passing a Bill providing for their sale at a small percentage, and the disposition of the balance to form a fund for the support of common schools (cheers.) He would vote against the Bill for this reason, that the Municipal Council of the District had not taken the proper means to legalise the tax which they imposed, and not having done so,

they could not expect to be relieved by the passage of an ex post facto law.⁹⁷

MR. HALE said he understood that a member of the Legislature connected with the Government had the whole of this subject of Municipal Taxation under his consideration, and he (Mr. H.) wished that this bill should be put in abeyance until the Ministerial plan for the amendment of the Municipal Act was before them.⁹⁸

(147)

Mr. Hale moved, in amendment to Mr. Boulton's motion of amendment, seconded by Mr. Duggan,

That the words "six months" in the said motion, be struck out, and the words "three weeks" substituted.

DR. DUNLOP replied at great length.⁹⁹ ((He)) opposed the amendment, which would be excellent if based on a proper foundation, but he had every reason to believe that government would not bring in any general bill on the subject of the district councils during the present session; he was led to think so from communication which he had on the subject with a member of the Administration.¹⁰⁰ The case of the Municipal Council was one deserving the sympathy of the Legislature. They were seduced by the idea that they had the power of taxing to raise money in a manner not strictly formal and to employ it in the paying off certain debts.¹⁰¹ He objected to the use of the word illegal, as applied by hon. gentlemen to the bye-law in question, but there was no doubt that the law was informal, and it was that informality which the bill was intended to rectify.¹⁰² They were all willing to pay their own shares of the tax and they had paid.¹⁰³ It was intended to make the rich man pay what the poor man had already paid, he would like to know how that would be illegal. It was said that the Canada Company had offered to pay a certain part of the taxation, it was true they had offered to pay the amount of one year in full of all demands, but when the offer was first made to them by the ... ((council)) to do so, they flatly refused, and then offered it to the clerk, who had no authority to receive it without the sanction of the council.¹⁰⁴ He would be the last person to dispute the excellent management of the Canada Company. And why? because he himself had been one of its managers. (Great laughter.)¹⁰⁵ He hoped the business would not be postponed for so long a period as three weeks.¹⁰⁶

MR. DRUMMOND made a few remarks in French, going over nearly the same ground as Mr. Myers.¹⁰⁷

CAPTAIN WILLIAMS said he objected to the bill for three reasons: the first, that it was retrospective in its operation, the second, that it established a precedent by which other District Councils might come to the House to indemnify them for the consequence of their own negligence, and he believed there were many in the same situation (Hear! hear!);

the third, because it held out an inducement to Municipal bodies to be in future less circumspect than they ought to be.¹⁰⁸

MR. CAUCHON said, that it was a terrible thing to hear of the enormous profits which this Company was making, all of which ought to go into the Treasury of the Province; and it was still worse to find, that it was capable of exercising so great an amount of political influence as to return a member to that House. For himself he should feel no hesitation in passing this law as against the Canada Company; but he was entirely opposed to retrospective legislation, and he thought that the Huron Council, by not making the estimate as required by the statutes, had disobeyed not merely the letter but the spirit of the law, -- he would, however, like more time for consideration.¹⁰⁹

MR. CHAUVEAU spoke at some length in French. We understood him to support the Bill, and to speak with alarm of the power and influence of the Canada Company.¹¹⁰

OR

MM. DRUMMOND et CHAUVEAU signalèrent les dangers d'une législation rétroactive... Que cela était contraire à tous les principes. Qu'ils devaient s'opposer au bill s'il avait cet effet. Ils désiraient avoir plus de temps pour l'examiner. C'était la première fois qu'ils en entendaient parler.¹¹¹

MR. CAMERON hoped that both these amendments would be withdrawn, for he thought that both would be negatived, and that the House would decide on the merits of the case at once. He was very much surprised to hear hon. gentlemen say, that this was ex post facto law, and was therefore unconstitutional and ought to be rejected; because measures of that kind were frequently passed when the circumstances of the country required them; and in fact several District Councils had already obtained bills of that class, among which was the Council of the Johnstown District, which¹¹² on the motion of the Hon. Member for Leeds¹¹³ had been indemnified by the House for money which it had expended without proper authority.¹¹⁴ This was not a case in which the Company could plead any hardship.¹¹⁵ As to the illegality of the tax he did not see in what it consisted; the council had the right to impose the tax, but it appeared that there was some informality in the mode in which it had done so. It was well known, that the money was wanted, because the district was in debt both for its Jail and its Court House.¹¹⁶

MR. BOULTON strongly objected to the system of postponement and reconsideration. He thought the House was competent to decide the principle of the Bill now, if ever, and ought to do so.¹¹⁷

(148)

District Rates.

The question having been put upon Mr. Hale's motion of amendment, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Aylwin, Bertrand, Chabot, Chauveau, DeWitt, Duggan, Foster, Hale, Hall, Lacoste, LaFontaine, Leslie, M'Connell, Moffatt, Powell, Price, Roblin, Solicitor General Sherwood, Attorney General Smith, and Watts--
(20.)

NAYS.

Armstrong, Baldwin, Boulton, Brooks, Cameron, Cauchon, Chalmers, Christie, Colvile, Drummond, Dunlop, Gowan, Greive, Jessup, Jobin, Lantier, Laurin, Larsson, Macdonald of CORNWALL, Macdonald of GLENGARRY, Macdonald of KINGSTON, Macdonell of DUNDAS, Macdonell of STORMONT, Méthot, Meyers, Nelson, Petrie, Prince, Riddell, Rousseau, Smith of FRONTENAC, Smith of WENTWORTH, Taché, Taschereau, Thompson and Williams--(36.)

So it passed in the negative.

The House accordingly proceeded to the consideration of the first amendment, that the House go into Committee this day six months.¹¹⁸

MR. MOFFATT remarked that if the Council of the Huron district had imposed the tax in question in an informal manner, it made the tax itself an illegal one; but one thing had struck him in the statement of his hon. friend; it was this, -- that every person in the district but one had paid without any difficulty, and that one had been compelled to do so: he (Mr. Moffatt) thought that if the council had exercised its right over that individual, it ought to take the same course with the Canada Company.¹¹⁹ The Canada Company ought not to be mentioned at all in the discussion, and the only question was, whether they should pass a retroactive law to supply the defect. In his opinion, they ought not. Circumstances of grave importance might arise which might make a law of that description necessary for the settling of some great public question, but in his opinion this was not a question of that description.¹²⁰ He would vote in favor of the amendment.¹²¹

The Solicitor General ((MR. H. SHERWOOD)) strongly deprecated being forced into a vote of this question on its merits, and would move that in order to get time to inform himself on the subject, the question be postponed for one week. He would like to vote for the Bill if he could do so consistently with his notions of constitutional law.¹²²

(148)

The Honourable Mr. Solicitor General Sherwood then moved, in amendment

to Mr. Boulton's motion of amendment, seconded by Mr. Duggan,

That the words "this day six month" in the said motion be struck out, and the words "this day week" substituted.

DR. DUNLOP would not oppose this amendment.¹²³

MR. BOULTON wished to know when the business of the House was to be done, if questions were to be postponed this way week after week?¹²⁴

MR. DUGGAN had serious doubts of the propriety of this Bill, though he had every disposition to make the Company pay their taxes. He wished for more time.¹²⁵

(148)

The question being put on the said motion of amendment, it was unanimously agreed to.

And the question being then put on the main motion, as amended, it was agreed to by the House, and

Resolved, That the said Bill be committed to a Committee of the whole House this day week.

Clergy Indem-
nification.

The Order of the Day for the second reading of the Bill, to indemnify Clergymen who have voted at the last general election in ignorance of the

law, being read,¹²⁶

DR. DUNLOP moved that the House resolve itself into a Committee on the Bill to indemnify Clergymen who voted at the last general election, contrary to law, by which they had incurred a penalty of £500 each.¹²⁷

MR. COLVILLE seconded the motion. --¹²⁸

(148)

The said Bill was accordingly read, and committed to a Committee of the whole House.

Mr. Boulton took the chair of the Committee.

((MR. COLVILLE said:)) The Bill which declared the voting at elections an offence, and enacted that penalty, was a reserved Bill, being sent home for the Royal approbation, and, therefore, was not printed in the ordinary way with the statutes of the Session. The offence was, therefore, committed in ignorance of the law, for no copies of this Bill had been sent to the Returning Officers or to the Clergy; and, after the most careful search that could be made of the statutes which were supposed to guide them,

no trace could be found of their existence. It would be exceedingly hard to impose a ruinous fine, for a fine of £500 would be ruin to almost any Clergymen in the Province, on people who had no notion that they had committed any offence.¹²⁹

MR. LAFONTAINE spoke in French. We understand him to oppose the Bill on the ground that, if Clergymen ought to be exempted from penalties of this description, all others ought.¹³⁰

MR. AYLWIN would support the Bill, but regretted that Clergymen should so far forget themselves as to interfere in contesting elections at all.¹³¹

MR. SOL. GEN. ((H.)) SHERWOOD briefly supported the Bill.¹³²

MR. DEWITT denied that these penalties had all been incurred in ignorance of the law. To his certain knowledge, in one instance,¹³³ a clergyman had voted, not in ignorance, but with an actual knowledge of the law; and the fact was so recorded on the poll-book.¹³⁴

DR. DUNLOP said that in that case it was quite competent for the hon. member to lodge an information against that person who would not be shielded by the present Bill.¹³⁵

MR. BALDWIN thought that if one class were relieved from penalties, they could not, in justice, refuse to extend a like relief to all others. He was, on principle, against a Bill of this partial character. He would move that the Committee rise with the view to giving time to allow the Hon. Member to propose a Bill for remedying a whole class of grievances.¹³⁶

Some ... discussion and difficulty on the point of order ((ensued))¹³⁷.

(148)

and after sometime spent therein,

Mr. Speaker resumed the chair.

And Mr. Boulton reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again, on Monday next.

*Freedom of
Assembly.*

The Order of the Day for the House in Committee, to consider the expediency of amending a certain Act, intituled, "An Act for the better securing the freedom of the Legislative Assembly of this Province," inasmuch as the said Act deprives the gentlemen of the Clergy from voting at the elections of the Members of the Legislative Assembly of this Province, being read,¹³⁸

((There was)) some difficulty on the point of order.¹³⁹

(148)

The House accordingly resolved itself into the said Committee.

Mr. Price took the chair of the Committee.

MR. LAURIN ... in a long speech in the French language,¹⁴⁰ explained, that his object in moving for this committee was, to repeal that part of the act in question, which related to the voting of clergymen at elections for members of the Provincial Parliament, and he pointed out the injustice of depriving such a body of the elective franchise.¹⁴¹

DR. DUNLOP supported the motion in a long and able speech, which the lateness of the hour at which it was delivered prevents our attempting to report. He strongly deprecated legislation for temporary purposes. He reminded the House of the error committed by the English House of Commons in excluding for ever the whole body of the clergy merely to get rid of one man -- Horne Tooke, and he alluded to a similar case in one of the Carolinas. He deprecated as much as any one the interference of clergymen in temporal questions, but men could not be made pious and decorous by Act of Parliament. He would be glad if clergymen would abstain from voting, but they ought not to stigmatise and deprive any body of men of a great political right merely from such notions of expediency. Religion could not be forced into people by legislation. It was the old story of the sailor who was flogged for absence from divine service, and said they "might make him go to church, but he would be damned if they should make him pray when he was there." A storm of laughter and cries of "order" followed this sally, amid which the learned gentleman very gravely remarked, that he was quoting an English classic, and would produce his authority to the Speaker if he doubted the fact.¹⁴²

MR. AYLWIN addressed the House at great length in support of the Bill which was sought to be amended; but his arguments may be reduced to these: -- first, that no petitions, or at least very few petitions, had come before the House against the Bill; and next, that the repeal of the measure would operate as a direct call to the clergy to take part in politics, and would thus subject them to the degradation of party politics, and to insult from the rabble, and probably from their own people also. He asked the House what would be thought of an Archbishop who voted at an election for Member of Parliament? -- If it were improper for an Archbishop, why should it be proper for any other clergymen?¹⁴³ The hon member added, that the clause in the act now sought to be repealed, did not originate with the ex-ministers. It was introduced in the Legislative Council by some member whose name he did not remember.¹⁴⁴

MR. ((GEORGE)) MACDONELL of Dundas, said that the Hon. Member for Quebec had failed to convince him of the propriety of the views he adopted.

He believed that he was ready to listen to every just demand, and after the petitions which were laid on the table from so many respectable quarters, he was surprised that he did give way. Perhaps the Hon. gentleman originated this Bill last Session, and carried it through by means of the administration to which he had the honour to belong. In his opinion the Hon. gentleman made use of very poor reasons. Because one Clergyman was satisfied with this deprivation of his rights, it did not follow that all were satisfied, in fact, he knew they were not. The Hon. gentleman alluded to some prelate who took an active part in the elections.¹⁴⁵

"No," "no," "not a prelate."¹⁴⁶

MR. AYLWIN disclaimed any allusions of the kind.¹⁴⁷

MR. ((GEORGE)) MACDONELL was mistaken then: he thought that he meant the Weatherspoon of Canada (No! no!): but as the Hon. gentleman disclaimed these allusions, he would not attribute to him what he did not say. Another reason that he thought was very weak, was that the Hon. gentleman would wish to save Clergymen from ill-treatment at the hustings. Would the Hon. gentleman tell him that, would he tell ((him)) that the people of Canada would ill use those gentlemen whom they looked upon with reverence? It was a libel on the people that he denied in his place (Hear! hear!), that they would so lower themselves. The arguments of the Hon. gentleman were not sufficient to satisfy him, and he hoped that they were not sufficient to satisfy any one. He looked upon property as the ingredient of power in this country, their property was taxed equally with that of other people who never was (sic) taxed, ((but)) had the right to vote, and why should this be denied to clergymen alone. It would be well if those who were trying to oppress the clergy would show as much moderation, and exercise their elective franchise with as much charity and freedom from party spirit as those gentlemen.¹⁴⁸

MR. GOWAN -- Up to this moment had taken no part, and had expressed no opinion upon the subject of the Bill: notwithstanding this, the Hon. Member for Quebec, (Mr. Aylwin,) had thought fit to attribute to him the holding of certain opinions upon the question, which he stated were "peculiar" to him (Mr. Gowan). By what process of reasoning, or upon what information, the Hon. gentlemen (sic) had arrived at such a conclusion, he (Mr. Gowan,) could not tell; for true it was, that, up to the present time, he had given utterance to no opinion upon the subject. Perhaps the honorable and learned Member understood his opinion by some fortuitous ken; for certain it was, that he pretended to know them better than himself, (Mr. Gowan.) When he, (Mr. G.) was unable, or unwilling, to give his own views upon any question that might be submitted to the consideration of the House, he would then be glad to be aided by a statement of the opinions he entertained, by the Hon. Member for Quebec; but until that period should arrive, the attributing to him of peculiar views upon the question, he held to be a piece of unauthorised and gratuitous information, if not impertinence. (Hear! hear!) The Hon. Member has in very

coarse language alluded to the influence, supposed or real, of the Clergy at elections -- he has denounced their interference as unjustifiable and illegal; and he has used other terms equally strong and denunciatory; but he (Mr. G.) could readily conceive occasions which might arise, when it would become the solemn duty of the Clergy to interfere, not only by their influence, but by their positive votes. He would suppose that a person should offer as a Candidate for the representation of the ancient capital of Canada -- he would suppose that person to be a vile and a bad man -- a scoffer of all religion -- one who patronized bignios (sic) -- who delighted in the open violation of the ordinary rules of morality -- a very Deist by open profession and in practice -- in such a case, where would be "the degrading and the unseemly interference" to which the Hon. gentleman alluded, did the Archbishop of Quebec himself, think fit to interfere to prevent the election of such a person? But he (Mr. G.) need not suppose imaginary cases: he need not conjure up a hypothetical case hereafter to occur: it was only necessary for him to point to the past, and not very remote history of this Province, to cite cases where the influence of the Clergy had been loudly called for. Need he say, that in Lower Canada, as well as in other countries, turbulent and restless spirits were to be found, men who spent a great portion of their time in exciting their fellow men to acts of perjury and insurrection, to treason against God and the Queen -- men who were the cause of leaving the wife a widow, and the child an orphan. If a man who had committed such crimes -- yes, whose very hands were red with the blood of the innocent victim, whose voice, though dead, speaketh from Heaven for vengeance on his assassins -- if such a man (he would repeat) should present himself to the constituency of any County in this Province, would it not then become the solemn duty of every Minister of the Gospel of Peace, to step forward, and to prevent (if their votes or influence could prevent) the election to this House of such a character! (Loud cries of "Hear! hear!") The Hon. Member for Quebec had stated that there were no petitions to the House, praying for the repeal which is now sought: but, even in this instance, the Honourable Gentleman had been misinformed, for several have been presented. But, even if it were not so, what then? Would that render the proposed measure less just, or less desirable? Had one petition been presented to the Parliament which passed such an unprecedented Bill, calling for the restrictive enactment? Not one! Yet was it passed. Do not the Clergy pay taxes; do they not perform all the duties, and are they not subject to all the responsibilities of other men; then why exclude them from the right (if they should think fit to exercise it) of the elective franchise? Are they not equally loyal, equally intelligent, equally peaceable, and fully as capable of judging aright, as other men; -- then why exclude them? He (Mr. G.) was against their exclusion; he would support the measure of the Honourable Member for Lotbinière with much pleasure; and on behalf of the maligned and pious Clergy of all denominations in Upper Canada, he heartily thanked the Honourable Member. He hoped the time would never arrive when it would be rendered necessary for the Clergy to take an active part in the

secular politics of the country; but, should such an emergency ever unfortunately occur, no man would buckle on armour for the controversy with a higher sense of the necessity of moderation in the battle -- who would give a higher tone of moral feeling to the engagement -- or whose influence would be more constantly exerted to allay those ascerbities (sic) of language and of action, to which we are all more or less subject, in moments of political excitement and turmoil. For his (Mr. Gowan's) part, he was opposed to all restrictive laws; let them emanate from whatever party they might; or let them be directed against whatever party they may; and if the Honourable Member for Quebec (Mr. Aylwin) would only brush up his memory to those historical lessons, which he was taught in his school-boy days, he would find enough in the annals of Europe; yea, in that of revolutionary France alone, to teach him that the proscription of the Clergy, was but the precursor to anarchy, civil commotion, and blood. He (Mr. G.) was satisfied with the law upon this subject, as it stood in England, in Ireland, and in Scotland; he desired no more freedom, nor no (sic) higher privileges for the Clergy here, than they would possess, if in our fatherland; and he desired they should have no less. He desired to see both the Statute and Parliamentary Law in this country, as closely as possible assimilated to that of England; and entertaining those opinions, he would give his hearty and entire concurrence to the measure of the Hon. Member for Lotbinière.¹⁴⁹

MR. CAUCHON ... spoke in favour of the resolution.¹⁵⁰

MR. BALDWIN was entirely opposed to the interference of clergymen in political affairs, and would support any measure that would pre((v))-ent it: but he found that the clause in question did not so operate. He heard of cases of political violence on the part of clergymen during the last election worse than he had ever heard of before.¹⁵¹

((MM.)) TACHE, LANTIER ... et autres ont été pour ((la mesure)).¹⁵²

MM. NELSON ... etc., ont été contre la mesure de M. Laurin¹⁵³.

MR. LAFONTAINE ... ((was also)) hostile to the change on the ground that it was better that the clergy should be prevented from interfering in politics.¹⁵⁴

(148)

and after some time spent therein,

Mr. Speaker resumed the chair.

And Mr. Price reported that the Committee had come to a resolution, which resolution was again read at the Clerk's table, and is as followeth:--

Resolved, As the opinion of this Committee, that it is expedient to amend

the Provincial Act of the 7th Victoria, chapter 65, intituled, "An Act for better securing the independence of the Legislative Assembly of this Province," in so far as the same prevents the members of the Clergy of this Province from voting at the election of Members to serve in the Legislative Assembly of this Province.

Mr. Laurin moved, seconded by Mr. Dunlop, that the House doth concur with the Committee in the said Resolution.

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down, as followeth:--

YEAS.

Baldwin, Cauchon, Chalmers, Colville, Daly, Duggan, Dunlop, Ermatinger, Foster, Gowan, Greive, Hale, Jessup, Laurin, Lawrason, Macdonell of DUNDAS, Macdonell of STORMONT, M'Connell, Méthot, Moffatt, Powell, Price, Roblin, Seymour, Smith of FRONTENAC, Attorney General Smith, Taché, and Williams-- (28.)

NAYS.

Aylwin, Boutillier, Chabot, Chauveau, DeWitt, Jobin, LaFontaine, Nelson, Rousseau, Scott, and Taschereau--(11.)

So it was carried in the affirmative, and

Resolved accordingly.

Ordered, That the remaining Orders of the Day be postponed until Friday next, in the order in which they now stand.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor General,

Militia Scrip.

Return to an Address of the Legislative Assembly to His Excellency, the Governor General, bearing date of 11th ultimo, praying that His Excellency will be pleased to furnish the House a copy of the authority given to the Crown Land Department, for issuing certain Militia Scrip as advertised in the Official Gazette; whether such authority is founded upon any Proclamation or Order in Council, and if the latter, the date of such Order, with such other information as His Excellency may be pleased to afford; also a statement of the probable amount of such militia claims, and whether such scrip is intended to be applied in the payment of lands in the Province of Canada generally, or merely to the purchase of lands in Lower Canada; also the nominal value at which it is fixed, whether reference is had to the price of such lands in the Province of Canada,

or to their value in Lower Canada only; also the number of Clerks employed, examining militia claims, and making out scrip for the liquidation of the same, the salaries paid to such Clerks, and whether the same are paid out of special funds, if so, the nature of such funds, or if borne on the general expense account of the Crown Land Department; also the amount of the said scrip already issued, with the dates of such issues; also if is the intention of Government to insist on the immediate settlement of lands purchased in Upper Canada, and paid for with such scrip.

(COPY)

Kingston, 31st January, 1844.

SIR,

In obedience to the commands of His Excellency, the Governor General, as expressed in your order of reference of the 30th instant, requesting my opinion as to the effect of the 13th section of the 4th and 5th Vic-

(149)

toria chapter 100, on the supposition that an error has been committed in a notice in the Official Gazette, by which the length of the term allowed by an Order in Council to file Militia Claims has been abridged one whole year, I have the honour to state, that it is an acknowledged principle in law that what is termed an error of fact, erreur de fait, cannot legally operate to the prejudice of the acquired and real rights of an individual. And that all contracts and other transactions founded upon an error of this nature, have always been considered as null and void in law.

An Order of Council, granting a fixed delay to file certain Claims, can be known only by a Proclamation or Official notice, and if, by reason of an error committed in any one of those documents, individuals who had acquired rights under the said Order of Council have been rendered incapable of exercising such rights within the whole term allowed by the said Order of Council, in such case the individuals above mentioned are within the real intent and spirit of the exception provided for in the 13th section of the said 4th and 5th Victoria chapter 100. In framing this clause, the Legislature had in view the protection of the just rights of individuals who, incapacitated by the law, were deprived of the means of exercising them; the same protection should extend to those who, from accident or from causes over which they had no controul, (force majeure) have been, during a whole year, incapacitated or deprived of the power and means of making those claims.

I am therefore of opinion that the effect of the 13th section of the above-mentioned Act does not militate against the acquired rights of the Militiamen who have signed the petition accompanying your order of reference, nor against the power of His Excellency, with the advice

of the Executive Council, to entertain those Claims during a period of not less than one year.

I have, &c.,

(Signed,)

F.A. QUESNEL,

Queen's Counsel.

E. PARENT, Esq.,

C. E. C.

&c. &c. &c.

Copy of a Report of a Committee of the Executive Council, dated 31st January, 1844, approved by His Excellency, the Governor General.

The Committee of Council have taken into consideration the Petition of certain Militiamen of Lower Canada, who served in the late war with the United States of America, setting forth that, by a notice published in pursuance of an Order in Council in the Quebec Gazette, under the date of the 28th July, 1829, applications for lands on account of their services were required to be made by the 1st August, 1830, and that Petitioners, from causes set forth, were unable to comply with this order; and praying that their claims might now be recognized and allowed. They have also had before them the opinion of the Hon. F. A. Quesnel as to the effect of the 13th clause of the 4th and 5th Victoria chapter 100, on the claim of the Petitioners in connection with the facts hereinafter mentioned, which opinion bears out the recommendation which the Committee have arrived at.

The Committee referred to the original Minutes in Council, and to the entry thereof in the Minute Book, and to their surprise discovered that the notice published in the Gazette did not correspond in the important particular of time with the original Order, as approved by His Excellency Sir James Kempt. By this Order the time within which the claims of these Militiamen for lands were allowed to be put in, was declared to be the 1st August, 1831, one year longer than the notice set forth; and on inquiry the Committee have also ascertained that the notice was acted on in the Public Departments, and the 1st of August, 1830, was adopted as the limit beyond which no such claims were allowed to be preferred. It thus appears clear that by an error which the Committee cannot explain or account for, these loyal Militiamen were deprived of a whole year, during which, according to the express terms of the original Order, they ought to have had an opportunity of claiming the Bounty of the Crown for their services. Under these circumstances, the Committee are of opinion that it is only an act of justice to give now

what was intended to be given then, and not to permit a mistake in the notice to defeat the intention of the Government of that day, or to take advantage of it to deprive these Militiamen of the opportunity which that Order intended to give them; and they therefore respectfully recommend to your Excellency that during the year commencing the 1st March, 1844, all such Claims be received and disposed of in like manner as they would have been if preferred within the time named in the Order in Council already referred to, and the letter of instructions of Mr. Chief Secretary Buller, of the 12th September, 1838, addressed to the Commissioners of Militia Claims.

Certified,

(Signed) E. PARENT,

Provincial Secretary,
&c. &c. &c.

(240.)

CROWN LANDS DEPARTMENT,
Montreal, December 26th, 1844.

SIR,

I have the honour to transmit a Report with reference to the issue of Scrip in favour of the Militia claimants of Lower Canada, required by your letter of the 14th instant.

I have, &c.,

T. BOUTHILLIER,

The Hon. the Provincial Secretary,
&c. &c. &c.

(240.)

CROWN LANDS DEPARTMENT,
Montreal, 24th December, 1844.

Answer to the Address of the Honourable the Legislative Assembly, of the 11th December, 1844.

The authority given to the Crown Lands Department for issuing certain

Militia Scrip, as advertized in the Official Gazette, is an Order in Council of the 31st January, 1844, and His Excellency, the Governor General's Proclamation of the 20th February following.

The total number of Claims received to this date is, in round numbers, 4,300; of this number 1,006 have been admitted, in satisfaction of which Scrip was issued, on or about the 10th instant, to the amount of £23,540; of the remaining Claims probably 2,500 will prove good, to which should be added 500 more, as the estimated amount of good Claims to be received between this and the first of March, beyond which period no more claims are to be received. These 3,000 Claims will require about £70,198 more Scrip, supposing the proportion of grades for them to be the same as in List one; making the total probable amount of Scrip so to be issued, £93,738.

The Scrip is available for deferred payments or instalments upon sales of Public Lands in any part of the Province, agreeably to the provisions of the Land Act, 4th and 5th Victoria, chapter 100. No condition of settlement is attached to purchases made in Upper Canada with this Scrip.

The nominal value at which Land is fixed in such Scrip, is four shillings per acre, being the price laid down in the said Act for lands in Upper Canada, which has also been applied since the Union to Lower Canada.

The examination of these Claims, and the making out of Scrip for the liquidation of the same, have been added to the other regular duties of this office, and three extra Clerks have in consequence been hired

(150)

for that specific object at different period. The first on the 20th February last, at 7s. 6d. per day, up to the 30th September, and 5s. per day subsequent to that date; the second on the 27th of August, at 5s. per day; and the third on the 10th of September, at 7s. 6d.

One of the regular Clerks of the office, at a salary of 7s. 6d. per day, has been engaged exclusively on this duty from the 1st of August, and two others, at the same salary, have been occasionally employed since the 1st of October.

In addition to the above, Mr. Langevin, on the permanent establishment of this Department, at a salary of £300 a year, and late Secretary to the Militia Board established by Lord Durham, has, from the date of the Proclamation, been intrusted with the chief management of that Branch of duty, to which he has devoted one half and latterly two thirds of his time.

The aggregate amount of wages paid to the Clerks now employed on this service, may therefore be reckoned at 43s. or 44s. per day. Six months more of the same labour will be required to complete the investigation and liquidation of these Claims.

The salaries of all the persons employed are included in the general expenses of this Department.

T. BOUTHILLIER.
A. C. C. L.

Province of
Canada. }

C. T. METCALFE.

Victoria, by the Grace of GOD, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c. &c. &c.

To all to whom these presents shall come or whom the same may concern,--GREETINGS:

WHEREAS on the twenty-fourth day of June, in the year of Our Lord, one thousand, eight hundred and twenty-nine, His Excellency Sir James Kempt, then being Lieutenant General and Commander of the Forces in Our late Province of Lower Canada, and Administrator of the Government of our said late Province, was pleased, by an Order in Council of our said late Province, to declare that all applications for lands on account of services in the embodied Militia, during the late war with the United States of America, should be received until the first day of August, one thousand eight hundred and thirty-one, and no longer; and a public notice to that effect was, in and by the aforesaid Order, directed to be inserted in the Quebec Official Gazette for the information of all persons concerned; And whereas it hath been represented unto Us that, by reason of an error and mistake in all the notices inserted in the said Quebec Official Gazette, under and by virtue of the Order in Council above mentioned, the time during which the applications from individuals entitled to obtain lands for military services as aforesaid, was limited to the first day of August, one thousand eight hundred and thirty: by means whereof the individuals above mentioned have been deprived of an opportunity of preferring their claims as aforesaid; And whereas a memorial signed by certain individuals, alleging their rights to obtain lands for services rendered as aforesaid, and complaining that the limited time specified in the said notice did not admit of their making the necessary applications in that behalf, has been duly presented unto Us, and We, being unwilling to permit an error and mistake of the nature above mentioned, to defeat the real intention of the said Order in Council, and being always desirous

that the services rendered by our Loyal Canadian Subjects, should receive their due recompence, have, by and with the advice and consent of our Executive Council of and for Our Province of Canada, thought fit to issue this Proclamation, to declare and make known, and hereby do declare and make known, that all applications for lands on account of services in the Militia, during the late war with the United States, will be received during the year to commence on the first day of March now next ensuing, and to be completed and ended on the first day of March, one thousand eight hundred and forty five, in like manner as they would have been if preferred within the time specified in the Order in Council above mentioned; of all which Our Loving Subjects, and all others whom these presents may concern, are hereby required to take notice, and to govern themselves accordingly.

In testimony whereof we have caused these our Letters to be made Patent, and the Great Seal of Our said Province to be hereunto affixed:
Witness, Our Right Trusty and Well Beloved the Right Honourable Sir Charles Theophilus Metcalfe, Baronet, G.C.B., One of Our most Honourable Privy Council, Governor General of British North America, and Captain General and Governor in Chief, in and over our Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, at our Government House, at Kingston, in our said Province of Canada, the Twentieth day of February, in the year of Our Lord, one thousand eight hundred and forty-four, and in the seventh year of Our Reign.

C. T. M.

D. DALY,
Secretary.

CROWN LANDS DEPARTMENT,
Kingston, 20th February, 1844.

PUBLIC NOTICE is hereby given, that the individuals entitled to the Militia Bounty, agreeably to the Proclamation issued this day, are those only who served in the undermentioned Corps in Lower Canada, during the last American War, and who have not as yet received any Land or Scrip for their Services, that is to say:--

The first, second, third, fourth, fifth, (or Canadian Chasseurs,) and sixth Battalions of Select and Embodied Militia.

The Militia Staff, on active duty.

" Canadian Voltigeurs.

" Frontier Light Infantry.

The Canadian Voyageurs.
 " *Commissariat Voyageurs.*
 " *Provincial Light Dragoons.*
 " *Canadian Dragoons.*
 " *Corps of Guides.*
 " *Militia Artillery.*
 " *Militia Artillery Drivers.*

To which may be added--

Such Officers and Men, without reference to the Corps in which they served, who may have been wounded or taken prisoners, and the representatives of such as may have been killed in action with the enemy.

In cases where the service was performed by substitute, such substitute only is to obtain the bounty.

Where the Militiaman is dead, and in the absence of a will, the following persons, in the order in which they stand, will be recognised as his representatives and entitled accordingly,--namely:--

1st.--The Widow.

2nd.--The Children.

3rd.--The Father and Mother, or the Survivor.

4th.--And lastly, the Brothers and Sisters equally.

Such representatives to produce a regular certificate of burial, or other sufficient proof of the death of the Militiaman; also, of their being his only representatives, according to the above rule, and distinctly to state under what particular class they claim.

All claims to be directed to the Commissioner of Crown Lands.

(151)

Each claimant to file or transmit his original discharge or certificate of service, accompanied with an affidavit stating that the said discharge or certificate of service in his own, that he served as therein mentioned, and has never yet obtained, directly or indirectly, by himself or through any other person, the Militia or Army Bounty, either in land or scrip.

When the discharge or certificate of service cannot be produced, the claimant will have to describe,

The Battalion or Corps in which he served, the name and grade of the

person who commanded his company; and to state,

Whether he served under his present or what other name.

What space of time, and in what capacity he served.

Whether he was regularly discharged, and if so, when and where.

The preceding, and all other statements and declarations required, in connexion with Militia Claims, to be made under oath, before some person authorized to administer such oath.

Lists of claims will be published as admitted, and the parties will then be satisfied in Scrip as prescribed by the Land Act, after the following scale:--

For a Lieutenant Colonel, Scrip to the amount of £240, being the commuted value of 1200 acres of land, at 4s. per acre.

For a Major, Scrip to the amount of £200, being the commuted value of 1000 acres of land, at 4s. per acre.

For a Captain, Surgeon or Pay-Master, Scrip to the amount of £160, being the commuted value of 800 acres of land, at 4s. per acre.

For a Subaltern, Assistant Surgeon, Adjutant, or Quarter Master, Scrip to the amount of £100, being the commuted value of 500 acres of land at 4s. per acre.

For a Sergeant Major or Quarter Master Sergeant, Scrip to the amount of £60, being the commuted value of 300 acres of land, at 4s. per acre.

For a Sergeant, Scrip to the amount of £40, being the commuted value of 200 acres of land, at 4s. per acre.

For a Corporal or Private, Scrip to the amount of £20, being the commuted value of 100 acres of land, at 4s. per acre.

The Scrip thus granted will be received by the Government in payment of old or new purchases of Crown Lands, as provided for the said Land Act.

Individuals applying for Scrip, as Attorney to a Militiaman or his representatives, will be required to produce a power legally made.

Discharges or other papers filed or transmitted by or on behalf of persons whose claims may be disallowed, will only be returned to the

parties interested (on application) after the investigation of all the claims preferred be terminated.

Then on motion of Mr. Duggan,

The House adjourned.

FOOTNOTES - 15 JANUARY 1845.

1. ST. CATHARINES JOURNAL, 23 January 1845.
2. IBID.
3. IBID.
4. The debate on this matter was reported by: ST. CATHARINES JOURNAL, 23 January 1845; LA MINERVE, 20 January 1845; and the PILOT, 17 January 1845, whose report was copied by the BROCKVILLE RECORDER, 23 January 1845. The MONTREAL TRANSCRIPT, 16 January 1845, and KINGSTON NEWS, 23 January 1845, noted the debate in identical accounts.
5. ST. CATHARINES JOURNAL, 23 January 1845.
6. LA MINERVE, 20 January 1845.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. PILOT, 17 January 1845.
17. The debate on this matter was reported by: LA MINERVE, 20 January 1845; PILOT, 17 January 1845, whose report was copied by the BROCKVILLE RECORDER, 23 January 1845; ST. CATHARINES JOURNAL, 23 January 1845; PILOT, 20 January 1845; MONTREAL GAZETTE, 18 January 1845, and the EXAMINER, 29 January 1845, in identical accounts; MONTREAL TRANSCRIPT, 16 January 1845, and KINGSTON NEWS, 23 January 1845, in identical accounts; BRITISH COLONIST, 24, 28 January 1845. There were commentaries in LE JOURNAL DE QUEBEC, 18 January 1845; PILOT, 20 January 1845; BRITISH COLONIST, 28 January 1845.
18. MONTREAL GAZETTE, 18 January 1845.
19. IBID.
20. BRITISH COLONIST, 24 January 1845.
21. IBID.
22. MONTREAL GAZETTE, 18 January 1845.
23. IBID.
24. BRITISH COLONIST, 24 January 1845.
25. MONTREAL GAZETTE, 18 January 1845.
26. BRITISH COLONIST, 24 January 1845.
27. MONTREAL GAZETTE, 18 January 1845.
28. BRITISH COLONIST, 24 January 1845.
29. MONTREAL GAZETTE, 18 January 1845.
30. BRITISH COLONIST, 24 January 1845.
31. MONTREAL GAZETTE, 18 January 1845.
32. BRITISH COLONIST, 24 January 1845.
33. MONTREAL GAZETTE, 18 January 1845.
34. BRITISH COLONIST, 24 January 1845.
35. MONTREAL GAZETTE, 18 January 1845.

36. BRITISH COLONIST, 24 January 1845.
37. MONTREAL GAZETTE, 18 January 1845.
38. IBID.
39. IBID.
40. BRITISH COLONIST, 24 January 1845.
41. MONTREAL GAZETTE, 18 January 1845.
42. BRITISH COLONIST, 24 January 1845.
43. MONTREAL GAZETTE, 18 January 1845.
44. BRITISH COLONIST, 24 January 1845.
45. IBID.
46. IBID.
47. MONTREAL GAZETTE, 18 January 1845.
48. BRITISH COLONIST, 24 January 1845.
49. IBID.
50. IBID.
51. MONTREAL GAZETTE, 18 January 1845.
52. BRITISH COLONIST, 24 January 1845.
53. MONTREAL GAZETTE, 18 January 1845.
54. BRITISH COLONIST, 24 January 1845.
55. MONTREAL GAZETTE, 18 January 1845.
56. BRITISH COLONIST, 24 January 1845.
57. MONTREAL GAZETTE, 18 January 1845.
58. BRITISH COLONIST, 24 January 1845.
59. MONTREAL GAZETTE, 18 January 1845.
60. BRITISH COLONIST, 24 January 1845.
61. MONTREAL GAZETTE, 18 January 1845.
62. BRITISH COLONIST, 24 January 1845.
63. MONTREAL GAZETTE, 18 January 1845.
64. IBID.
65. BRITISH COLONIST, 24 January 1845.
66. MONTREAL GAZETTE, 18 January 1845.
67. BRITISH COLONIST, 24 January 1845.
68. IBID.
69. MONTREAL GAZETTE, 18 January 1845.
70. BRITISH COLONIST, 24 January 1845.
71. MONTREAL GAZETTE, 18 January 1845.
72. BRITISH COLONIST, 24 January 1845.
73. MONTREAL GAZETTE, 18 January 1845.
74. IBID.
75. IBID.
76. BRITISH COLONIST, 24 January 1845.
77. MONTREAL GAZETTE, 18 January 1845.
78. BRITISH COLONIST, 28 January 1845.
79. MONTREAL GAZETTE, 18 January 1845.
80. BRITISH COLONIST, 28 January 1845.
81. MONTREAL GAZETTE, 18 January 1845.
82. BRITISH COLONIST, 28 January 1845.
83. MONTREAL GAZETTE, 18 January 1845.

84. BRITISH COLONIST, 28 January 1845.
85. MONTREAL GAZETTE, 18 January 1845.
86. BRITISH COLONIST, 28 January 1845.
87. IBID.
88. IBID.
89. IBID.
90. IBID.
91. MONTREAL GAZETTE, 18 January 1845.
92. BRITISH COLONIST, 28 January 1845.
93. MONTREAL GAZETTE, 18 January 1845.
94. BRITISH COLONIST, 28 January 1845.
95. MONTREAL GAZETTE, 18 January 1845.
96. IBID.
97. IBID.
98. IBID.
99. IBID.
100. BRITISH COLONIST, 28 January 1845.
101. MONTREAL GAZETTE, 18 January 1845.
102. BRITISH COLONIST, 28 January 1845.
103. MONTREAL GAZETTE, 18 January 1845.
104. BRITISH COLONIST, 28 January 1845.
105. MONTREAL GAZETTE, 18 January 1845.
106. BRITISH COLONIST, 28 January 1845.
107. IBID. See also footnote 111.
108. MONTREAL GAZETTE, 18 January 1845.
109. BRITISH COLONIST, 28 January 1845.
110. MONTREAL GAZETTE, 18 January 1845.
111. LA MINERVE, 20 January 1845.
112. BRITISH COLONIST, 28 January 1845.
113. MONTREAL GAZETTE, 18 January 1845.
114. BRITISH COLONIST, 28 January 1845.
115. MONTREAL GAZETTE, 18 January 1845.
116. BRITISH COLONIST, 28 January 1845.
117. MONTREAL GAZETTE, 18 January 1845.
118. IBID.
119. BRITISH COLONIST, 28 January 1845.
120. MONTREAL GAZETTE, 18 January 1845.
121. BRITISH COLONIST, 28 January 1845.
122. MONTREAL GAZETTE, 18 January 1845.
123. IBID.
124. IBID.
125. IBID.
126. This debate was reported by: PILOT, 17 January 1845, whose report was copied by the BROCKVILLE RECORDER, 23 January 1845, and was identical to the reports in the MONTREAL TRANSCRIPT, 16 January 1845, and KINGSTON NEWS, 23 January 1845; MONTREAL GAZETTE, 18 January 1845, and the EXAMINER, 29 January 1845, in identical accounts; ST. CATHARINES JOURNAL, 23 January 1845; and PILOT, 20 January 1845.
127. MONTREAL GAZETTE, 18 January 1845.

128. IBID.
129. IBID.
130. IBID.
131. IBID.
132. IBID.
133. IBID.
134. PILOT, 17 January 1845.
135. IBID.
136. MONTREAL GAZETTE, 18 January 1845.
137. IBID.
138. The debate on this matter was reported by: PILOT, 17, 20 January 1845; ST. CATHARINES JOURNAL, 23 January 1845; LE CANADIEN, 20 January 1845; LE JOURNAL DE QUEBEC, 21 January 1845; MONTREAL GAZETTE, 18 January 1845, KINGSTON NEWS, 23 January 1845, copying MONTREAL COURIER, and EXAMINER, 29 January 1845, in identical accounts, except that the KINGSTON NEWS omitted certain speakers. The order of speakers was very difficult to determine because the lists in the papers seldom coincided either in terms of members speaking or of their order of speaking. The order of the reconstructed debate should therefore be considered as very tentative.
139. MONTREAL GAZETTE, 18 January 1845.
140. IBID.
141. ST. CATHARINES JOURNAL, 23 January 1845.
142. MONTREAL GAZETTE, 18 January 1845.
143. IBID.
144. PILOT, 17 January 1845.
145. MONTREAL GAZETTE, 18 January 1845.
146. IBID.
147. IBID.
148. IBID.
149. IBID. The reporter observed that "the deepest feeling of emotion was observable throughout the House, while the Hon. gentleman was giving utterance to the foregoing; the point of his remark was evidently felt on both sides of the House." According to LE CANADIEN, 20 January 1845, Gowan's speech was "très éloquent."
150. PILOT, 17 January 1845.
151. IBID.
152. LE JOURNAL DE QUEBEC, 21 January 1845.
153. IBID.
154. PILOT, 20 January 1845.

THURSDAY, 16 JANUARY 1845.

(151)

Middlesex con-
tested Election.

THE house appointed for taking into consideration the Petition of William Notman, of Dundas, in the Gore district, complaining of the undue election and return of Edward Ermatinger, Esquire, to represent the county of Middlesex in the present Parliament, being come,

The House proceeded to the appointment of a Select Committee, to try and determine the merits of the said Petition.

The Sergeant-at-Arms was directed by Mr. Speaker to go with the Mace to the places adjacent, and require the attendance of the Members on the business of the House.

And he went accordingly;

And being returned, the House was called, and more than thirty Members being present,

Mr. Speaker called upon the Petitioner, his counsel or agent, to appear at the Bar.

W. B. Richards, Esquire, appeared at the Bar, as counsel for the Petitioner.

Mr. Speaker called upon the Sitting Member, his counsel or agent, to appear.

The Honourable Mr. Solicitor General Sherwood appeared in his place, as counsel for the Sitting Member.

Mr. Richards, counsel for the Petitioner, presented a list of witnesses in behalf of the Petitioner, which was read by the Clerk as follows:--

LIST OF WITNESSES

On the part of the Petitioner, against the Election and Return of
EDWARD ERMATINGER, Esquire, for the County of MIDDLESEX, to Serve
in this present Parliament.

NAMES.

RESIDENCE.

Christopher Beer	...	Township of Adelaide.
Robert Johnston	...	do do
Baptiste M'Ilvance	...	do do
J. B. Winlow	...	do do

John Bouilly	...	do	do
Francis Emrich	...	do	do
Richard W. Beannan	...	do	do
Martin Carty	...	do	do
Thomas Cooper	...	do	do
John Bulger	...	do	do
George Dodd	...	do	do
Robert Gripton	...	do	do
William Roundle	...	do	do
Charles Napkin	...	do	do
Richard M'Cutcheon	...	do	do
Thomas Caddy	...	do	do
Bernard Knight	...	do	do
Arthur M'Callum	...	do	do
R. P. Tooth	...	do	do
Charles Preston	...	do	do
Thomas Burgess	...	do	do
Timothy Cana	...	do	do
Thomas Roundle	...	do	do
John Arthurs	...	do	do
John Keys, senior	...	do	do
Hugh Eckliss	...	do	do
Samuel Morrow	...	do	do
Daniel Ingram	...	do	do
Thos. Thompson, Deputy			
Returning Officer	...	do	do
David M. Thompson, Poll			
Clerk	...	do	do
John Lang	...	do	do
William M'Clutchy	...	do	do
Mathew Wilkins	...	do	do
Joseph Brady	...	do	do
Henry Font	...	do	do
Jonathan Miller	...	do	do
Thomas James	...	do	do
William Randle	...	do	do
Walter M'Nizer	...	do	do
John Freeman	...	do	do
John Cully	...	do	do
Oliver Nuss	...	do	do
Michael Griffethe	...	do	do
John Small	...	do	do
James Foster	...	do	do
H. D. Woods	...	do	do
Patrick Mee	...	do	do
Samuel Patterson	...	do	do

(152)

Samuel Morrow	...	do	do
---------------	-----	----	----

Thomas Gately	...	do	do
John Morgan	...	do	do
George Munro, Esq.	...	do	Aldboro.
Malcolm Munro	...	do	do
Archibald Munro	...	do	do
Hugh M'Cowan	...	do	do
Niel Campbell	...	do	do
John Buchan	...	do	do
John C. Gillies	...	do	do
James Campbell, Deputy Returning Officer	...	do	do
Ewen M'Kenly, Poll Clerk	...	do	do
Donald M'Gryan	...	do	do
John Purcell	...	do	do
John M'Dougald	...	do	do
Archibald Paterson	...	do	do
Duncan M'Gregor	...	do	do
Duncan M'Killop	...	do	do
James M'Kinlay	...	do	do
Finlay M'Diarmid	...	do	do
Donald Paterson	...	do	do
Donald Campbell	...	do	do
Donald M'Naughten	...	do	do
Niel Walker	...	do	do
Alexander Baxter	...	do	do
Angus M'Intyre	...	do	do
Hugh Graham	...	do	do
Alexander M'Ewan	...	do	do
Duncan M'Farlane	...	do	do
Angus M'Kay	...	do	do
Hector Paterson	...	do	do
Donald Purcell	...	do	do
Alexander Brodie	...	do	do
Alexander Campbell	...	do	do
Angus M'Guyan	...	do	do
Archibald M'Arthur	...	do	do
Gregor M'Gregor	...	do	do
James M'Bride	...	do	do
Dougald M'Larty	...	do	do
John M'Intyre	...	do	do
John Sinclair	...	do	do
Norman Ford	...	do	do
John Ford	...	do	do
Colin Ruthven	...	do	do
Duncan M'Nab	...	do	do
Duncan Paterson	...	do	do
John Cunningham	...	do	do
Donald Campbell	...	do	do
Archibald Miller, Deputy Returning Officer	...	do	Ekfrid

Wm. Grace, Poll Clerk	...	do	do
Donald M'Intyre	...	do	Aldboro
John M'Millan	...	do	do
Niel Buchan	...	do	do
Angus M'Intyre	...	do	do
James Campbell	...	do	do
Dougald M'Intyre	...	do	do
John Paterson	...	do	do
Nicholas Scott	...	do	do
Joseph Siddell	...	do	Eckfrid
William Curling	...	do	Delaware
William F. Bullen	...	do	do
John Holden	...	do	do
Charles Peacock	...	do	do
Samuel Drake	...	do	do
John Drake	...	do	do
Thomas H. Summer	...	do	do
Joseph Cowley	...	do	do
Daniel Spreiger	...	do	do
Joshua Bobier	...	do	Dunwich
M. Bobier	...	do	do
Peter Wilson	...	do	do
William Pearce	...	do	do
Steven Bockus	...	do	do
Andrew Bockus	...	do	do
Daniel M'Pherson	...	do	do
Leslie Paterson, Esq.	...	do	do
Meredith Conn	...	do	do
John Clark	...	do	do
Angus Gunn	...	do	do
Gilbert Taylor	...	do	do
William Bannerman	...	do	do
John Galbraith	...	do	do
Hugh Gunn	...	do	do
John Pearce	...	do	do
John Pearce, junior	...	do	do
Daniel M'Guyen	...	do	do
Richard Webb. Deputy			
Returning Officer	...	do	Delaware
H. Hamilton, Poll Clerk	...	do	do
Isaac Draper	...	do	Bayham
Alexander Laston	...	do	do
Reuben M. Lamb	...	do	do
Plinus Higginson	...	do	do
Caleb Cook	...	do	do
Samuel Livingston, senior	do	do	
Isaac Williams	...	do	do
James Walker	...	do	do
Neil M'Kinnaw	...	do	do

Isaac Blanford	...	do	do
Solomon Moor	...	do	do
John Westly Young	...	do	do
James Hutchison	...	do	do
Andrew Doley	...	do	do
Charles Paler	...	do	do
George Daubbie	...	do	do
Isaac Titus	...	do	do
Edmund Titus	...	do	do
A. V. W. Hewitt	...	do	do
Alexander Dupeal	...	do	do
John M. Crawford	...	do	do
John Baker	...	do	do
Daniel Purdy	...	do	do
Isaac H. Laston	...	do	do
Porter Bartlett	...	do	do
Alfred Nevil	...	do	do
James Harris	...	do	do
James Spoor	...	do	do
John Ruman, senior	...	do	do
James Ruman	...	do	do
Ephraim C. Mitchell	...	do	do
Silas Nevil	...	do	do
Francis Harris	...	do	do
James M'Neith	...	do	do
Benjamin Haines	...	do	do
John Roberts	...	do	do
John Burwell, Deputy Returning Officer	...	do	do
Thomas Scatchard, Poll Clerk	...	do	do
John F. Claus	...	do	do
Hiram N. Gilbert	...	do	do
John H. Laston	...	do	do
Gabriel Wright	...	do	do
Silvester Cook	...	do	do
Thomas Pringall	...	do	do
Thomas M'Guire	...	do	do
Jacob Bentland	...	do	do
Jeremiah Moor	...	do	do
Harlinda Ontin	...	do	do
John B. Blackburn	...	do	do
Jessup Plinnurs	...	do	do
Benjamin Thomas	...	do	do
Daniel Hazen	...	do	do
Joseph Bowes	...	do	do
John Coyle	...	do	do
George Monk	...	do	do

David Sibby	...	do	do
Andrew Chute	..	do	do
James Vanenburg	...	do	do
Robert Atkins	...	do	do
John W. Mactall	...	do	do
John Hobson	...	do	do
James Scanlan	...	do	do
Thomas Dennis	...	do	do
Leonidas Bulwer	...	do	do
Thomas Turims	...	do	do
James Bailey	...	do	do
Alexander Haines	...	do	do
William B. Wing	...	do	do
Joseph Baitif	...	do	do
Andrew Raymond	...	do	do
Jacob Budsall	...	do	do
Nicholas Dupee	...	do	do
William Moore	...	do	do
John Thomson	...	do	do
Thomas M'Caul, Deputy Returning Officer	...	do	Dunwich.
James A. Wilkinson, Poll Clerk	...	do	do
Robert Couchman	...	do	Bayham
John Blayney	...	do	do
David Merrill	...	do	do
Cosper Best	...	do	do
Selu Healy	...	do	do
Alexander Moore	...	do	do
David Kent	...	do	do
John Clifford	...	do	do
William Smoke	...	do	do
John Burwell	...	do	do
William Hatchey	...	do	Mosa.
Thomas Shaw	...	do	do
James Gibb	...	do	do
(153)			
Samuel Fleming	...	do	do
George Fleming	...	do	do
Thomas Kirkpatrick	...	do	do
Adam Hatchie	...	do	do
Daniel Hurley	...	do	do
John Edwards	...	do	do
Duncan King	...	do	do
Angus Stuart	...	do	do
Jacob Ingles	...	do	do
George Hateler	...	do	do
Donald King	...	do	do

Talbot St. John Ward	...	do	do
George Simpson	...	do	do
William Weeks	...	do	do
Patrick M'Gregor	...	do	do
Malcolm Downey	...	do	do
Alarrin D. Call	...	do	do
John M'Tavish	...	do	do
Donald Ferguson	...	do	do
Joseph W. Walker	...	do	do
Abraham Francis	...	do	do
George Curry	...	do	do
Wm. Reid	...	do	do
Richard Neil, Deputy Returning Officer	...	do	do
Robert L. Warren, Poll Clerk	...	do	do
Thomas Reid	...	do	do
Joseph Walker	...	do	do
John Jones	...	do	do
William Gardner	...	do	do
Robert Banoell	...	do	do
Elijah Davis	...	do	do
Robert Sowden	...	do	do
Elias Anderson	...	do	do
John Hall	...	do	do
John Davis	...	do	do
Adam Corneil	...	do	do
Alexander D. Ward	...	do	do
Isaac Brock Burwell	...	do	Caradoc
Wilson Mills	...	do	do
John Sutherland	...	do	do
Charles Bateman	...	do	do
William Livingston	...	do	do
Robert Bateman	...	do	do
William Sutherland	...	do	do
James Sutherland	...	do	do
Alexander Sutherland	...	do	do
James Craig	...	do	do
John Lee	...	do	do
William Wellman	...	do	do
James Coulter	...	do	do
Manly Dixon	...	do	do
John Oglevie	...	do	do
Peter Keirstead	...	do	do
George Carruthers	...	do	do
Alexander Orr	...	do	do
William Elliott	...	do	do
Edward Bateman	...	do	do

George Young	...	do	do
Thomas Lantrey	...	do	do
James Adair	...	do	do
Joseph Wellman	...	do	do
James Young, Deputy Returning Officer	...	do	do
George Bailton, Poll Clerk	...	do	do
James Cooley	...	do	do
Levi Warner	...	do	do
Alexander M. Cowan	...	do	do
Amos Keirstead	...	do	do
Harmones Forbes	...	do	do
William Toles	...	do	do
Walter Dowling	...	do	do
Thomas Holmes	...	do	do
Hercule Burwell	...	do	do
Joshua Applegarth	...	do	do
James Fenwick	...	do	do
Richard Fenwick	...	do	do
Edmund Mills	...	do	do
Samuel Sewell	...	do	do
Joseph Seebrook	...	do	do
John Bateman	...	do	do
John Harvey	...	do	do
Joseph Coulthrop	...	do	do
Robert Thompson	...	do	do
William Bateman	...	do	do
John Bateman	...	do	do
Sylvester Applegarth	...	do	do
John M'Dougall	...	do	Lobo
Charles M'Arthur	...	do	do
John Brown	...	do	do
Duncan M'Call	...	do	do
James Campbell	...	do	do
Duncan Brown	...	do	do
Thomas M'Pherson	...	do	do
Duncan M'Kellar	...	do	do
George Barnes	...	do	do
Donald M'Dougall	...	do	do
Dugald M'Call	...	do	do
Edward Shipley	...	do	do
Lionel Shipley	...	do	do
Ira Allen	...	do	do
Geo. O. Challoner, Deputy Returning Officer	...	do	do
Ephraim T. Parke, Poll Clerk	...	do	do
David Lynch	...	do	do
Robert Waugh	...	do	do
Alexander Sinclair	...	do	do

<i>Hugh M'Pherson</i>	...	<i>do</i>	<i>do</i>
<i>Peter M'Kellar</i>	...	<i>do</i>	<i>do</i>
<i>Edward Shipley</i>	...	<i>do</i>	<i>do</i>
<i>John Dewer</i>	...	<i>do</i>	<i>do</i>
<i>Edward Charlton</i>	...	<i>do</i>	<i>do</i>
<i>David Stonehouse</i>	...	<i>do</i>	<i>do</i>
<i>John Sinclair</i>	...	<i>do</i>	<i>do</i>
<i>Duncan M'Neil</i>	...	<i>do</i>	<i>do</i>
<i>Archibald M'Kellar</i>	...	<i>do</i>	<i>do</i>
<i>John M'Laughlin</i>	...	<i>do</i>	<i>do</i>
<i>Dugald Paul</i>	...	<i>do</i>	<i>do</i>
<i>Malcolm Paul</i>	...	<i>do</i>	<i>do</i>
<i>Archiblad Paul</i>	...	<i>do</i>	<i>do</i>
<i>Elijah Mann</i>	...	<i>do</i>	<i>Southwold</i>
<i>James Pothicary</i>	...	<i>do</i>	<i>do</i>
<i>Richard Hughes</i>	...	<i>do</i>	<i>do</i>
<i>Isaac Smith</i>	...	<i>do</i>	<i>do</i>
<i>Charles Harman</i>	...	<i>do</i>	<i>do</i>
<i>Sidney Bugner</i>	...	<i>do</i>	<i>do</i>
<i>William Silcon</i>	...	<i>do</i>	<i>do</i>
<i>Charles Pothicary</i>	...	<i>do</i>	<i>do</i>
<i>James Seymell</i>	...	<i>do</i>	<i>do</i>
<i>Meredith Orman</i>	...	<i>do</i>	<i>do</i>
<i>Daniel Bollby</i>	...	<i>do</i>	<i>do</i>
<i>Joseph Lyons</i>	...	<i>do</i>	<i>do</i>
<i>Charles Hetherington</i>	...	<i>do</i>	<i>do</i>
<i>David Hughes</i>	...	<i>do</i>	<i>do</i>
<i>Thomas Futchcr</i>	...	<i>do</i>	<i>do</i>
<i>Phineas Drake</i>	...	<i>do</i>	<i>do</i>
<i>Jonathan Smith</i>	...	<i>do</i>	<i>do</i>
<i>Isaac Bollby</i>	...	<i>do</i>	<i>do</i>
<i>David Pinwarden</i>	...	<i>do</i>	<i>do</i>
<i>John Buzner</i>	...	<i>do</i>	<i>do</i>
<i>Levi Fowler, Deputy</i>			
<i>Returning Officer</i>	...	<i>do</i>	<i>do</i>
<i>John Gourlay, Poll Clerk</i>	...	<i>do</i>	<i>do</i>
<i>Samuel Smith</i>	...	<i>do</i>	<i>do</i>
<i>Samuel Brewer</i>	...	<i>do</i>	<i>do</i>
<i>Jacob Lemans</i>	...	<i>do</i>	<i>do</i>
<i>Abraham Mandeville</i>	...	<i>do</i>	<i>do</i>
<i>Thomas Metcalf</i>	...	<i>do</i>	<i>do</i>
<i>Edward Rodgers</i>	...	<i>do</i>	<i>do</i>
<i>Benjamin Lloyd</i>	...	<i>do</i>	<i>do</i>
<i>Henry Stringer</i>	...	<i>do</i>	<i>do</i>
<i>William Bollby</i>	...	<i>do</i>	<i>do</i>
<i>Isaac Riley</i>	...	<i>do</i>	<i>do</i>
<i>David Gilbert</i>	...	<i>do</i>	<i>do</i>
<i>John Mitchell</i>	...	<i>do</i>	<i>do</i>
<i>Anthony Sutton</i>	...	<i>do</i>	<i>do</i>

Joseph Smith	...	do	do
Squire Millard	...	do	do
Samuel Mitchell	...	do	do
William Webb	...	do	do
John Bugner	...	do	do
Noah Silcon	...	do	do
James Davis	...	do	do
John Partridge	...	do	do
Thomas Meek	...	do	do
Hopper King	...	do	do
James Burwell	...	do	do
Charles Knight	...	do	do
Richard Martin	...	do	do
Matthew Bugner	...	do	do
Christopher Claris	...	do	do
John Milligan	...	do	do
William Meek	...	do	do
Henry Ellis	...	do	do
Truman Waters, senior	...	do	do
Thomas Ritril	...	do	do
Samuel Eccles	...	do	do
John Lantican	...	do	do
Walter Wilson	...	do	do
Robert Wilson	...	do	do
Robert Mitchell	...	do	do
John Allworth	...	do	do

(154)

James Blackwood	...	do	do
Gilman Wilson	...	do	do
John Docherty	...	do	do
Jacob Gilbert	...	do	do
Burgess Swisher	...	do	do
John Meek	...	do	do
Robert Johnston	...	do	do
Abraham King	...	do	do
Robert Blackwood	...	do	do
Edward Page	...	do	do
Henry Payne, senior	...	do	do
John Mitchell, junior	...	do	do
David Drake	...	do	do
Richard Nicols	...	do	do
Esau Payne	...	do	do
Henry Payne, Junior	...	do	do
Thomas Williams	...	do	do
Abraham Yells	...	do	do
Joseph Spitler	...	do	do
James Meek	...	do	do
Dugald Campbell	...	do	do

<i>Daniel Silcox</i>	...	<i>do</i>	<i>do</i>
<i>Neil M'Alpine</i>	...	<i>do</i>	<i>do</i>
<i>Thomas Ashard</i>	...	<i>do</i>	<i>do</i>
<i>John Orchard</i>	...	<i>do</i>	<i>do</i>
<i>Joseph Orchard</i>	...	<i>do</i>	<i>do</i>
<i>John Wintemate</i>	...	<i>do</i>	<i>do</i>
<i>Garret Smith</i>	...	<i>do</i>	<i>do</i>
<i>John K. Woodward</i>	...	<i>do</i>	<i>do</i>
<i>Duncan M'Cormick</i>	...	<i>do</i>	<i>do</i>
<i>Archibald Gilbreath</i>	...	<i>do</i>	<i>do</i>
<i>Richard D. Drake</i>	...	<i>do</i>	<i>do</i>
<i>Amos Davis</i>	...	<i>do</i>	<i>do</i>
<i>John Sloop</i>	...	<i>do</i>	<i>do</i>
<i>Richard Nichols</i>	...	<i>do</i>	<i>do</i>
<i>Frederick Randal</i>	...	<i>do</i>	<i>do</i>
<i>Isaac Wallace</i>	...	<i>do</i>	<i>do</i>
<i>William Brimacobone</i>	...	<i>do</i>	<i>do</i>
<i>Walker Whitxam</i>	...	<i>do</i>	<i>do</i>
<i>David Marr</i>	...	<i>do</i>	<i>do</i>
<i>James M'Intosh</i>	...	<i>do</i>	<i>do</i>
<i>Duncan Campbell</i>	...	<i>do</i>	<i>do</i>
<i>Samuel Wallace</i>	...	<i>do</i>	<i>do</i>
<i>Robert H. Nellis</i>	...	<i>do</i>	<i>do</i>
<i>Samuel Burrit</i>	...	<i>do</i>	<i>do</i>
<i>John Spitler</i>	...	<i>do</i>	<i>do</i>
<i>Daniel Munro</i>	...	<i>do</i>	<i>do</i>
<i>Benjamin G. Wilson</i>	...	<i>do</i>	<i>do</i>
<i>Thomas Rollo</i>	...	<i>do</i>	<i>do</i>
<i>Joseph Stinoff</i>	...	<i>do</i>	<i>do</i>
<i>Colin Carr</i>	...	<i>do</i>	<i>do</i>
<i>Duncan Campbell</i>	...	<i>do</i>	<i>do</i>
<i>Duncan Munroe</i>	...	<i>do</i>	<i>do</i>
<i>Richard Williams</i>	...	<i>do</i>	<i>do</i>
<i>John Williams</i>	...	<i>do</i>	<i>do</i>
<i>Matthew Sexsmith</i>	...	<i>do</i>	<i>do</i>
<i>Horace Holden</i>	...	<i>do</i>	<i>do</i>
<i>William Pettit</i>	...	<i>do</i>	<i>do</i>
<i>Jonathan G. Teetzell</i>	...	<i>do</i>	<i>do</i>
<i>Ralph Philipps</i>	...	<i>do</i>	<i>do</i>
<i>John Cameron</i>	...	<i>do</i>	<i>do</i>
<i>Dixie Watson</i>	...	<i>do</i>	<i>Westminster</i>
<i>James Givins</i>	...	<i>do</i>	<i>do</i>
<i>John Campbell</i>	...	<i>do</i>	<i>do</i>
<i>Cyrus Hall</i>	...	<i>do</i>	<i>do</i>
<i>Thomas Hewitt</i>	...	<i>do</i>	<i>do</i>
<i>Andrew Turton</i>	...	<i>do</i>	<i>do</i>
<i>George Thompson</i>	...	<i>do</i>	<i>do</i>
<i>Francis Jones</i>	...	<i>do</i>	<i>do</i>

<i>Peter Schram, Deputy</i>			
<i>Returning Officer</i>	...	do	do
<i>Hugh Richardson, Poll</i>			
<i>Clerk</i>	...	do	do
<i>Hiram Mann</i>	...	do	do
<i>Edmund Hunt</i>	...	do	do
<i>John Cummiss</i>	...	do	do
<i>Robert Eaton</i>	...	do	do
<i>Richard Tuncks</i>	...	do	do
<i>William Routhledge</i>	...	do	do
<i>John R. Sebutt</i>	...	do	do
<i>John Smith</i>	...	do	do
<i>William Dobney</i>	...	do	do
<i>James V. Wrey</i>	...	do	do
<i>John Shore</i>	...	do	do
<i>Ezekiel Caldwell</i>	...	do	do
<i>Walter Bidulph</i>	...	do	do
<i>James Trigger</i>	...	do	do
<i>William O'Rorie</i>	...	do	do
<i>Abraham Cook</i>	...	do	do
<i>William Taylor</i>	...	do	do
<i>Coonrod Chisler</i>	...	do	do
<i>Jesse Bernnett</i>	...	do	do
<i>Samuel Lewis</i>	...	do	do
<i>William Little</i>	...	do	do
<i>Matthias Sutton</i>	...	do	do
<i>Henry W. Bennett</i>	...	do	do
<i>James Little</i>	...	do	do
<i>Henry German</i>	...	do	do
<i>Thomas Arkins</i>	...	do	do
<i>Gideon Bostwick</i>	...	do	do
<i>James Young</i>	...	do	do
<i>Samuel L. Summer</i>	...	do	do
<i>William Sutton</i>	...	do	do
<i>Joseph Mann</i>	...	do	do
<i>George Routh</i>	...	do	do
<i>David Mance</i>	...	do	do
<i>Richard Thomas</i>	...	do	do
<i>William Dawson</i>	...	do	do
<i>John Salter</i>	...	do	do
<i>John Frank</i>	...	do	do
<i>Benjamin Cook</i>	...	do	do
<i>John N. Hunt</i>	...	do	do
<i>Lawrence Ramey</i>	...	do	do
<i>John Jones</i>	...	do	do
<i>Thomas Herrington</i>	...	do	do
<i>David Drugman</i>	...	do	do
<i>William Paterson</i>	...	do	do
<i>Garner Ellwood</i>	...	do	do

Peter Carroll	...	do	do
Donald Fraser	...	do	do
Peter M'Gregor	...	do	do
Amos T. Davis	...	do	do
William M'Pherson	...	do	do
William Bell	...	do	do
Jacob Baldinger	...	do	do
George King	...	do	do
William Weston	...	do	do
John B. Askin	...	do	do
William Orr	...	do	do
Burban B. Bostwick	...	do	do
Thomas Coote	...	do	do
Robert Auckland	...	do	do
Robert Carruthers	...	do	do
Charles Hayward	...	do	do
George T. Clavis	...	do	do
George Auckland	...	do	do
Shubael Nicholl	...	do	do
William M'Arley	...	do	do
Frederick Lound	...	do	do
James Raynard	...	do	do
Andrew Lackley	...	do	do
Charles Archer	...	do	do
Thomas Archer	...	do	do
Josiah Meadows	...	do	do
Wm. A. Vaile	...	do	do
David Eaton	...	do	do
Edward Burns	...	do	do
John Talbot	...	do	do
George Whitehouse	...	do	do
Jacob T. Manning	...	do	Dorchester.
James Moore	...	do	do
David Moore	...	do	do
Edward Irwin	...	do	do
Walter Chase	...	do	do
Amos Bigger	...	do	do
Thomas Holcroft	...	do	do
Andrew M. Lerar	...	do	do
John Choate	...	do	do
Horace Choate	...	do	do
Charles G. Bostwick	...	do	do
John Walker	...	do	do
Harvey Norton	...	do	do
Horatio Grece	...	do	do
Richard Philpot	...	do	do
John Hornby	...	do	do
Samuel Hern	...	do	do
Hamilton Emery	...	do	do
Henry Woolly	...	do	do

Patrick Herren	...	do	do
Andrew M'Gregor	...	do	do
David W. Finch	...	do	do
William Finch	...	do	do
John C. Deans	...	do	do
Barnabas Herren	...	do	do
Robert Jex	...	do	do
Richard Dibb	...	do	do
John Dibb	...	do	do
Thomas Lightfoot	...	do	Malahide.
John Summers	...	do	do
Samuel Harper	...	do	do
Jonathan Thompson	...	do	do
David Doty, Deputy Returning Officer	...	do	Dorchester.

(155)

Marcus Cumming Montsarrat,			
Poll Clerk	...	do	do
Moses Landers	...	do	Malahide
Abraham Backhouse	...	do	do
Harvey Finch	...	do	do
Charles G. A. Tozer	...	do	do
John P. Hodgekinson	...	do	do
Joseph Jones	...	do	do
Euseb Sorrell	...	do	do
Edward Dawsey	...	do	do
William Cascaddin	...	do	do
Alexander Cascaddin	...	do	do
David Hutchison	...	do	do
William Evans	...	do	do
Wm. H. Cascaddin	...	do	do
Abraham G. M'Gowan	...	do	do
James S. Burdick	...	do	do
Adolphus Williams	...	do	do
Davis Burdick	...	do	do
John Benner	...	do	do
David Kingsey	...	do	do
Joseph Johnstone	...	do	do
Benjamin Purlie	...	do	do
William Cascaddin	...	do	do
James Orr	...	do	do
Donald M'Kenzie	...	do	do
John Adams	...	do	do
Joseph Sanders	...	do	do
Enos Dennis	...	do	do
Jacob Laur	...	do	do
William Tarville	...	do	do
Amos M'Kenny	...	do	do

Humphrey Johnston	...	do	do
John K. Summers	...	do	do
John Lucas	...	do	do
William Johnston	...	do	do
Wellington Johnston	...	do	do
Jacob Miller	...	do	do
Francis H. Wright Deputy Returning Officer	...	do	do
William C. Lyonsgill, Poll Clerk	...	do	do
John Vanpotter	...	do	do
Moses Clayton	...	do	do
Harden Ellsworth	...	do	do
Ebenezer Heney	...	do	do
Thomas Hankinson	...	do	do
David C. Rees	...	do	do
John Hankinson	...	do	do
Castle Kerr	...	do	do
Moses M'Connell	...	do	do
Erastus Westover	...	do	do
Moses Truman	...	do	do
Silas Prichard	...	do	do
Jacob W. Dennis	...	do	do
Henry Kilmer	...	do	do
Robert M'Clintock	...	do	do
William Ferguson	...	do	do
John Ferguson	...	do	do
David Orr	...	do	do
Kenneth Hankinson	...	do	do
John Stork	...	do	do
Philip Bertrand	...	do	do
Arthur Rogers	...	do	do
Nathan L. Wood	...	do	do
James Rogers	...	do	do
Henry Tisdle	...	do	do
Joseph M'Connell	...	do	do
Benjamin M'Connell	...	do	do
James M'Connell	..	do	do
William B. Lyon	...	do	do
Charles Chute	...	do	do
Nathan Lyon	...	do	do
Edward M'Connell	...	do	do
Reuben M'Connell	...	do	do
Elijah Saxtol	...	do	do
William Percy	...	do	do
John Marr	...	do	do
Andrew Moore	...	do	do
David M'Connell	...	do	do
Alexander Boughner	...	do	do
William Taylor	...	do	do

<i>Samuel Harris</i>	...	<i>do</i>	<i>do</i>
<i>William Laur</i>	...	<i>do</i>	<i>do</i>
<i>George Bain</i>	...	<i>do</i>	<i>do</i>
<i>William Dalley</i>	...	<i>do</i>	<i>do</i>
<i>Reuben Johnson</i>	...	<i>do</i>	<i>do</i>
<i>George Silverthorne</i>	...	<i>do</i>	<i>do</i>
<i>Amos B. M'Kenny</i>	...	<i>do</i>	<i>do</i>
<i>Russell Green</i>	...	<i>do</i>	<i>do</i>
<i>Robert M'Connell</i>	...	<i>do</i>	<i>do</i>
<i>Benjamin Laur</i>	...	<i>do</i>	<i>do</i>
<i>Isaac Ostrander</i>	...	<i>do</i>	<i>do</i>
<i>William Adams</i>	...	<i>do</i>	<i>do</i>
<i>George Cottingham</i>	...	<i>do</i>	<i>do</i>
<i>Miles Tyrell</i>	...	<i>do</i>	<i>do</i>
<i>William Clarke</i>	...	<i>do</i>	<i>do</i>
<i>Philip Hodgekinson</i>	...	<i>do</i>	<i>do</i>
<i>Reuben Adams</i>	...	<i>do</i>	<i>do</i>
<i>Calvin Adams</i>	...	<i>do</i>	<i>do</i>
<i>Francis Hughes</i>	...	<i>do</i>	<i>do</i>
<i>Robert Thompson</i>	...	<i>do</i>	<i>do</i>
<i>Daniel Treadwell</i>	...	<i>do</i>	<i>do</i>
<i>Christopher C. Coombs</i>	...	<i>do</i>	<i>London.</i>
<i>Henry Collins</i>	...	<i>do</i>	<i>do</i>
<i>Hiram Merricale</i>	...	<i>do</i>	<i>do</i>
<i>William Haskett</i>	...	<i>do</i>	<i>do</i>
<i>Thomas English</i>	...	<i>do</i>	<i>do</i>
<i>Daniel Woods</i>	...	<i>do</i>	<i>do</i>
<i>George Robson</i>	...	<i>do</i>	<i>do</i>
<i>Joseph Colston</i>	...	<i>do</i>	<i>do</i>
<i>Thomas Colbert</i>	...	<i>do</i>	<i>do</i>
<i>Robert Gray</i>	...	<i>do</i>	<i>do</i>
<i>Thomas Dickenson</i>	...	<i>do</i>	<i>do</i>
<i>John Harris</i>	...	<i>do</i>	<i>do</i>
<i>John Geary</i>	...	<i>do</i>	<i>do</i>
<i>Thomas Hodgins</i>	...	<i>do</i>	<i>do</i>
<i>Wm. Gleeson</i>	...	<i>do</i>	<i>do</i>
<i>Ralph Draken</i>	...	<i>do</i>	<i>do</i>
<i>John Draken</i>	...	<i>do</i>	<i>do</i>
<i>John Evans</i>	...	<i>do</i>	<i>do</i>
<i>William Hodgins</i>	...	<i>do</i>	<i>do</i>
<i>John Shipley</i>	...	<i>do</i>	<i>do</i>
<i>Edward Talbot</i>	...	<i>do</i>	<i>do</i>
<i>Thomas Lee</i>	...	<i>do</i>	<i>do</i>
<i>Jeremiah Robson</i>	...	<i>do</i>	<i>do</i>
<i>Ambrose Powell</i>	...	<i>do</i>	<i>do</i>
<i>John Turner</i>	...	<i>do</i>	<i>do</i>
<i>William Taylor</i>	...	<i>do</i>	<i>do</i>
<i>Henry Fergusson</i>	...	<i>do</i>	<i>do</i>

George Beverly	...	do	do
Robert Ralph	...	do	do
Samuel Peters	...	do	do
Thomas Anderson	...	do	do
Andrew Taylor	...	do	do
Joseph Percival	...	do	do
John Hays	...	do	do
Thomas Shoebottom, junior	...	do	do
Benjamin Higgins	...	do	do
William Ermitage	...	do	do
Robert Jackson	...	do	do
Croel Wilson	...	do	do
Charles Dixon	...	do	do
John Fitzgerald	...	do	do
William Geary	...	do	do
Charles Madden	...	do	do
Thomas Hodgins	...	do	do
Stephen Powell	...	do	do
Isaac Carling	...	do	do
James Gaffaney	...	do	do
John M'Stey	...	do	do
Wm. L. Geary	...	do	do
George Gaffaney	...	do	do
George W. Bailiff	...	do	do
John Ardle	...	do	do
Walter Nixon	...	do	do
George Fitzgerald	...	do	do
John M'Intosh	...	do	do
Felix M'Laughlin	...	do	do
William O'Brien	...	do	do
George Carter	...	do	do
John M'Leod	...	do	do
George Kennedy	...	do	do
Richard Stevens	...	do	do
Lawrence Laurason	...	do	do
Samuel H. Parke	...	do	do
James Monahan	...	do	do
Thomas Lewis	...	do	do
William Whitley	...	do	do
William Jackson	...	do	do
Thomas Harrison	...	do	do
William Bradshaw	...	do	do
Isiah Watson	...	do	do
Jacob Scandrick	...	do	do
Richard Steel Talbot	...	do	do
Richard Talbot, junior	...	do	do
John D. Handgins	...	do	do
John Shoebottom	...	do	do

Jacob Frolic	...	do	do
William Lindsay	...	do	do
William Calvert	...	do	do
David Johnston	...	do	do

(156)

Joseph Towe	...	do	do
John M'Leod	...	do	do
Henry Routhledge	...	do	do
John Morden	...	do	do
Thomas Hewitson Ball, Deputy Returning Officer	...	do	do
Fred. Cleverly, Poll Clerk	...	do	do
Thomas Parkurson	...	do	do
John Smith	...	do	do
James M'Roberts	...	do	do
Joseph Perry	...	do	do
Robert Ribbon	...	do	do
John Stevenson	...	do	do
John Noble	...	do	do
William M'Mahon	...	do	do
John Birtch	...	do	do
Thomas Paine	...	do	do
William Powers	...	do	do
George M'Connell	...	do	do
James Jackson	...	do	do
William Gray	...	do	do
George Kennedy	...	do	do
James Coote	...	do	do
George M'Mahon	...	do	do
Caesar M'Leod	...	do	do
William Guest	...	do	do
David M'Connell	...	do	do
Thomas Jackson	...	do	do
Edward Bullock	...	do	do
Samuel Cliffe	...	do	do
Thomas Webb	...	do	do
Philip Matthews	...	do	do
Benjamin Matthews	...	do	do
George Mitchell	...	do	do
Thomas Carling	...	do	do
Edward Shipley	...	do	do
John Hodgins	...	do	do
John Frolic	...	do	do
Francis Lewis	...	do	do
Benjamin Lewis	...	do	do
William Darby	...	do	do
Edward Matthews	...	do	do

John Coote	...	do	do
Robert Coote	...	do	do
Henry Whiting	...	do	do
Henry Rigney	...	do	do
James Mitchell	...	do	do
James Dagg	...	do	do
Robert Parkinson	...	do	do
Charles Golding	...	do	do
Richard Needham	...	do	do
Albert Ryckenner	...	do	do
Henry Webb	...	do	do
Alexander Gunn	...	do	do
James M'Donald	...	do	do
James Ribbon	...	do	do
Charles Coombs	...	do	do
Elijah Williams	...	do	do
Anthony Hughes	...	do	do
Charles Henry	...	do	do
Henry O'Neil	...	do	do
Thomas Asket	...	do	do
John O'Neil	...	do	do
Joseph Hughes	...	do	do
John Dodd	...	do	do
Wm. Shipley	...	do	do
Wm. Carey	...	do	do
Arch. M'Pherson	...	do	do
Arch. M'Farlane	...	do	do
Isaac M'Connell	...	do	do
George Asherell	...	do	do
John Stevenson	...	do	do
Thomas Hodgins	...	do	do
Henry Hodgins	...	do	do
Walter Wesby	...	do	do
James Shobottom	...	do	do
Wm. Ashberry	...	do	do
Thomas Routhledge	...	do	do
Joseph Routhledge	...	do	do
Henry Routhledge	...	do	do
Thomas Smith	...	do	do
Donald M'Donald	...	do	do
Thomas Hornby	...	do	do
Duncan M'Kenzie	...	do	do
Wm. R. Talbot	...	do	do
George Ralph	...	do	do
Duncan Anderson	...	do	do
Anthony Pegler	...	do	do
Joseph Tukes	...	do	do
William Hodgins	...	do	do
Donald Bartley	...	do	do

Joseph M'Guffen	...	do	do
Wm. M'Guffen	...	do	do
Wm. Donaldson	...	do	do
Wm. Gaine	...	do	do
John Noble	...	do	do
John Stiles	...	do	do
James Pond	...	do	do
John Pegler	...	do	do
Philip Matthews	...	do	do
Thomas Shoebottom	...	do	do
Wm. Bradshaw	...	do	do
Joseph Tyne	...	do	do
Maurice Tyne	...	do	do
William Gray	...	do	do
William M'Millan	...	do	do
Norman Fish	...	do	do
John Matthews	...	do	do
Thomas H. Ball	...	do	do
John Caldwell	...	do	do
John Miller	...	do	Yarmouth
Samuel Miner	...	do	do
David Merrill	...	do	do
Thomas Francis	...	do	do
James Stokes	...	do	do
Lewis Merrill	...	do	do
Samuel Hughes	...	do	do
Isaac Miner	...	do	do
Simon Westlake	...	do	do
Stephen Wilcox	...	do	do
Wm. Gilbert	...	do	do
Andrew Miller	...	do	do
James W. Drake	...	do	do
Benjamin Wilson	...	do	do
James Lewis	...	do	do
George Miller	...	do	do
Joseph Eastbrooke, senior	...	do	do
George Rodgers	...	do	do
Abraham Newcombe, junior	...	do	do
Richard Gilbert	...	do	do
Wm. Shore	...	do	do
John Gilbert	...	do	do
Amos Jeffery	...	do	do
Matthew M. Hutchins	...	do	do
Dan. W. Newcombe, senior	...	do	do
Dan. W. Newcombe, junior	...	do	do
John Davis	...	do	do
Jacob Wisner	...	do	do
Jonathan Slater	...	do	do
Daniel Cline	...	do	do

Wm. P. Second	...	do	do
Matthew Gilbert	...	do	do
Samuel Cole	...	do	do
Wm. Lenton, senior	...	do	do
James Macready	...	do	do
Henry House	...	do	do
David Caughall	...	do	do
Thomas Heydon	...	do	do
Frederick Couse	...	do	do
Leslie Pearce	...	do	do
Samuel W. Thompson	...	do	do
Abraham Tavits	...	do	do
Joseph Stephenson	...	do	do
James Fitzimmonds	...	do	do
James C. Crysler	...	do	do
William Doren	...	do	do
John Bostwick	...	do	do
Joseph M'Roberts	...	do	do
Joseph R. Bostwick	...	do	do
Michael Colkett	...	do	do
Samuel Price	...	do	do
James Tomlinson	...	do	do
Thomas Colkett	...	do	do
Joseph Eastbrooke	...	do	do
Henry Bostwick	...	do	do
Joseph M. Moore	...	do	do
Aaron Whitsell	...	do	do
Thomas Dangerfield	...	do	do
Robert Kearns	...	do	do
Wm. Hillis	...	do	do
Wm. Kissane	...	do	do
James Alexander	...	do	do
Anderson Montross, junior	...	do	do
John Caughall	...	do	do
Matthew Thomson	...	do	do
James VanSickle	...	do	do
Hieronimus Rapelje	...	do	do
Edward Warren	...	do	do
Henry Yarwood	...	do	do
Thomas Miller	...	do	do
Francis Cutter	...	do	do
James Brown	...	do	do
Jesse Page	...	do	do
Daniel B. Rapelge	...	do	do

(157)

Thomas Thomas	...	do	do
Wm. Wilcox	...	do	do
Jacob B. Thompson	...	do	do

<i>Edmund Westlake</i>	...	<i>do</i>	<i>do</i>
<i>Cyrus Thayne</i>	...	<i>do</i>	<i>do</i>
<i>James Jay</i>	...	<i>do</i>	<i>do</i>
<i>Thomas Ruks</i>	...	<i>do</i>	<i>do</i>
<i>John Taylor</i>	...	<i>do</i>	<i>do</i>
<i>John Walker</i>	...	<i>do</i>	<i>do</i>
<i>John Hambridge</i>	...	<i>do</i>	<i>do</i>
<i>John Willis</i>	...	<i>do</i>	<i>do</i>
<i>Matthew Tisdale</i>	...	<i>do</i>	<i>do</i>
<i>Hesbon Noble</i>	...	<i>do</i>	<i>do</i>
<i>Charles Knight</i>	...	<i>do</i>	<i>do</i>
<i>John Ferres</i>	...	<i>do</i>	<i>do</i>
<i>George Cohill</i>	...	<i>do</i>	<i>do</i>
<i>George Mills</i>	...	<i>do</i>	<i>do</i>
<i>James Dolt</i>	...	<i>do</i>	<i>do</i>
<i>George A. Caughill</i>	...	<i>do</i>	<i>do</i>
<i>Allan M'Caul</i>	...	<i>do</i>	<i>do</i>
<i>Alexander Martin</i>	...	<i>do</i>	<i>do</i>
<i>Leonard Pruman</i>	...	<i>do</i>	<i>do</i>
<i>Joseph Martin</i>	...	<i>do</i>	<i>do</i>
<i>James Martin</i>	...	<i>do</i>	<i>do</i>
<i>William Martin</i>	...	<i>do</i>	<i>do</i>
<i>David G. Bouman</i>	...	<i>do</i>	<i>do</i>
<i>Daniel Mann</i>	...	<i>do</i>	<i>do</i>
<i>Samuel Cole</i>	...	<i>do</i>	<i>do</i>
<i>Hugh Wade</i>	...	<i>do</i>	<i>do</i>
<i>James Wade</i>	...	<i>do</i>	<i>do</i>
<i>John Couse</i>	...	<i>do</i>	<i>do</i>
<i>John Thomas</i>	...	<i>do</i>	<i>do</i>
<i>Alfred Alworth</i>	...	<i>do</i>	<i>do</i>
<i>George Wegg</i>	...	<i>do</i>	<i>do</i>
<i>David Parish</i>	...	<i>do</i>	<i>do</i>
<i>Thomas J. Lindop</i>	...	<i>do</i>	<i>do</i>
<i>John Wilson</i>	...	<i>do</i>	<i>do</i>
<i>David Brown</i>	...	<i>do</i>	<i>do</i>
<i>John Marlat</i>	...	<i>do</i>	<i>do</i>
<i>James Nevils</i>	...	<i>do</i>	<i>do</i>
<i>William Hutchison</i>	...	<i>do</i>	<i>do</i>
<i>Jonas Barns</i>	...	<i>do</i>	<i>do</i>
<i>Wm. Barns</i>	...	<i>do</i>	<i>do</i>
<i>Wm. Little</i>	...	<i>do</i>	<i>do</i>
<i>Joseph Barns</i>	...	<i>do</i>	<i>do</i>
<i>Joseph Mitchell</i>	...	<i>do</i>	<i>do</i>
<i>James Tucker</i>	...	<i>do</i>	<i>do</i>
<i>Garrat Smith</i>	...	<i>do</i>	<i>do</i>
<i>Murdock M'Kenzie</i>	...	<i>do</i>	<i>do</i>
<i>Wm. Summers</i>	...	<i>do</i>	<i>do</i>
<i>James W. Huich</i>	...	<i>do</i>	<i>do</i>

Anderson Montross, senior	...	do	do
Benjamin Drake	...	do	do
John White	...	do	do
John Kellistine	...	do	do
George Heathcote	...	do	do
Henry W. Gruffbarger	...	do	do
Archibald Jones	...	do	do
John Learn	...	do	do
Daniel Curtis	...	do	do
George Doan	...	do	do
Daniel V. York	...	do	do
George Cline	...	do	do
Edward Teeple	...	do	do
Alexander Gunn	...	do	do
Minor Barns	...	do	do
James Morton	...	do	do
Thomas Clements	...	do	do
George A. Couse	...	do	do
Abraham House, senior	...	do	do
Thomas Penhail	...	do	do
Thomas Drake	...	do	do
Joseph B. Nevils	...	do	do
Abraham House, junior	...	do	do
Jacob Ostrander	...	do	do
Joseph Copeland	...	do	do
Moses Hughes	...	do	do
Calvin Ross	...	do	do
John M'Cullam	...	do	do
Wm. Thompson	...	do	do
David Brush	...	do	do
Daniel Harvey, Deputy Returning Officer	...	do	do
Alex. Gordon, Poll Clerk	...	do	do
T. Wilson, Esq., Returning Officer	...	do	Middlesex.
Hiram Dell	...	do	Adelaide.
John Wiley	...	do	do
Basnett Dell	...	do	do
Henry Frank	...	do	do
Doram Frank	...	do	do
Wm. Stockdale	...	do	do
Richard Windsor	...	do	do
Anthony Preston	...	do	do
Joseph Buttery	...	do	do
Thomas M'Guire	...	do	do
George Buttery	...	do	do
John Buttery	...	do	do
Wm. Boulton	...	do	do

Wm. Holden	...	do	do
James Thompson	...	do	do
Joseph Whitttry	...	do	do
Adam Dell	...	do	do
Michael M'Donagh	...	do	do
Thomas Duncan	...	do	Aldboro.
Daniel Campbell	...	do	do
John Kerr	...	do	do
John Campbell	...	do	do
John Main	...	do	do
Moses Allan	...	do	do
John Banning	...	do	do
Archibald Campbell	...	do	do
Alexander Campbell	...	do	do
Duncan M'Kellar	...	do	do
Archibald M'Lean	...	do	do
Duncan Gillies	...	do	do
Archibald Thompson	...	do	do
Charles Docharty	...	do	do
Samuel M'Call	...	do	do
Donald M'Alpin	...	do	do
Peter Philipps	...	do	Eckfrid.
Malcolm M'Alpin	...	do	do
Daniel Logwood	...	do	do
Duncan M'Lean	...	do	do
Patrick Slough	...	do	do
George Philipps	...	do	do
John Campbell	...	do	do
Francis Elliott	...	do	do
William Doby	...	do	do
Donald M'Intaggart	...	do	do
John M'Laughlin	...	do	do
James M'Alpin	...	do	do
Malcolm M'Intyre	...	do	do
Malcolm Gilbreath	...	do	do
Hugh Brodie	...	do	do
Archibald M'Dugald	...	do	do
Alexander M'Kellar	...	do	do
Malcolm Murray	...	do	do
John Fletcher	...	do	do
Alexander M'Dougald	...	do	do
Andrew Coultherd	...	do	do
Gideon Tiffaney	...	do	Delaware.
Josiah Woodhull	...	do	do
John Ulrick	...	do	do
Alanson Herrington	...	do	do
Benjamin Stephens	...	do	do
Dean Tiffany	...	do	do

<i>Frederick Tiffany</i>	...	<i>do</i>	<i>do</i>
<i>John Woodhull</i>	...	<i>do</i>	<i>do</i>
<i>John Johnston</i>	...	<i>do</i>	<i>do</i>
<i>John Rawlings</i>	...	<i>do</i>	<i>do</i>
<i>Samuel P. Airs</i>	...	<i>do</i>	<i>do</i>
<i>Langdon Case</i>	...	<i>do</i>	<i>do</i>
<i>David Johnston</i>	...	<i>do</i>	<i>do</i>
<i>Otis Tiffany</i>	...	<i>do</i>	<i>do</i>
<i>Albert Tiffany</i>	...	<i>do</i>	<i>do</i>
<i>Isaiah Gustin</i>	...	<i>do</i>	<i>do</i>
<i>Samuel Stephens</i>	...	<i>do</i>	<i>do</i>
<i>Archibald M'Laughlin</i>	...	<i>do</i>	<i>do</i>
<i>John Parker</i>	...	<i>do</i>	<i>do</i>
<i>Wm. Hodgman</i>	...	<i>do</i>	<i>do</i>
<i>Timothy Killburn</i>	...	<i>do</i>	<i>do</i>
<i>William Simmons</i>	...	<i>do</i>	<i>do</i>
<i>Timothy Killburn</i>	...	<i>do</i>	<i>do</i>
<i>Joseph Steinhoff</i>	...	<i>do</i>	<i>do</i>
<i>While Hulbert</i>	...	<i>do</i>	<i>do</i>
<i>Daniel M'Intyre</i>	...	<i>do</i>	<i>Dunwich.</i>
<i>Thomas G. Coyne</i>	...	<i>do</i>	<i>do</i>
<i>Archibald Carswell</i>	...	<i>do</i>	<i>do</i>
<i>James Croft</i>	...	<i>do</i>	<i>do</i>
<i>Moses Willey</i>	...	<i>do</i>	<i>do</i>
<i>Henry Coyne</i>	...	<i>do</i>	<i>do</i>
<i>Wm. Lumley</i>	...	<i>do</i>	<i>do</i>
<i>James Lumley</i>	...	<i>do</i>	<i>do</i>
<i>Alexander M'Callum</i>	...	<i>do</i>	<i>do</i>
<i>Archibald Graham</i>	...	<i>do</i>	<i>do</i>
<i>Duncan Paterson</i>	...	<i>do</i>	<i>do</i>
<i>Neil M'Gugan</i>	...	<i>do</i>	<i>do</i>
<i>Wm. Taylor</i>	...	<i>do</i>	<i>do</i>
<i>Daniel Curry</i>	...	<i>do</i>	<i>do</i>
<i>Angus Campbell</i>	...	<i>do</i>	<i>do</i>
<i>George Gunn</i>	...	<i>do</i>	<i>do</i>
<i>Thomas Petit</i>	...	<i>do</i>	<i>do</i>
<i>Neil M'Intyre</i>	...	<i>do</i>	<i>do</i>
<i>Alexander M'Phail</i>	...	<i>do</i>	<i>do</i>
<i>John M'Intyre</i>	...	<i>do</i>	<i>do</i>

(158)

<i>James Philpot</i>	...	<i>do</i>	<i>do</i>
<i>Duncan M'Callum</i>	...	<i>do</i>	<i>do</i>
<i>Archibald M'Killop</i>	...	<i>do</i>	<i>do</i>
<i>Duncan Walker</i>	...	<i>do</i>	<i>do</i>
<i>John M'Clane</i>	...	<i>do</i>	<i>do</i>
<i>David Clay</i>	...	<i>do</i>	<i>do</i>
<i>Joseph Lodge</i>	...	<i>do</i>	<i>do</i>

Archibald Paterson	...	do	do
James Black	...	do	do
James Archey	...	do	Bayham.
Myndart Beal	...	do	do
Andrew Ostrander	...	do	do
Thomas Headman	...	do	do
Wm. Neitell	...	do	do
George Franklin	...	do	do
George White	...	do	do
Moses Cook	...	do	do
Samuel Leach	...	do	do
John Peace	...	do	do
A. Blake	...	do	do
James Bently	...	do	do
Anthony Sealy	...	do	do
A. Mann	...	do	do
Joshua Clarkson	...	do	do
James Gibbons	...	do	do
Abraham Hunsberger	...	do	do
Jesse Soplur	...	do	do
Benjamin Garret	...	do	do
Benjamin Vannorman	...	do	do
Andrew Moore	...	do	do
Daniel Caswell	...	do	do
Lewis Emurman	...	do	do
Oliver Hodgkins	...	do	do
Bartholomew Tempeny	...	do	do
Robert Cook	...	do	do
Oliver Johlock	...	do	do
Joel Pursall	...	do	do
Finlay Malcolm	...	do	do
David Hatch	...	do	do
Amos Higle	...	do	do
Wm. Cheeseman	...	do	do
Nathan Howell	...	do	do
Henry Ketybang	...	do	do
Henry R. Will	...	do	do
John T. Nillis	...	do	do
Joab Leach	...	do	do
Ayriah Lunday	...	do	do
Samuel Howey	...	do	do
Henry Higle	...	do	do
John Hayen	...	do	do
Thomas Gooldric	...	do	do
Samuel Forbes	...	do	do
George Peal	...	do	do
Robert Lutes	...	do	do
Wm. Stuy	...	do	do
Jacob Ritchebaugh	...	do	do

Thomas Burns	...	do	do
Robert Fisher	...	do	do
Robert Kidd	...	do	do
Levi Hatch	...	do	do
Abraham Havens	...	do	do
Wm. Goodrich	...	do	do
Thomas Edison	...	do	do
Jesse Corlip	...	do	do
Snow Eddison	...	do	do
John Sanger	...	do	do
John Eichenbey	...	do	do
Dolmy Hamilton	...	do	do
James Prilee	...	do	do
Barney M'Shaw	...	do	do
James Vincent	...	do	do
Wm. Wilson	...	do	do
Wm. Cheesman	...	do	do
James Caswell	...	do	do
Levi Loper	...	do	do
James Wilson, senior	...	do	do
James Wilson, junior	...	do	dp
Thomas Emmerman	...	do	do
John Ward	...	do	Mosa.
John Coyne	...	do	do
James Gibson	...	do	do
Cornelius Digraw	...	do	do
James York	...	do	do
Christopher Handishot	...	do	do
Wm. Sampson	...	do	do
Joseph Ward, senior	...	do	do
John Beckton	...	do	do
Lemuel Bartlett	...	do	do
Hiram Dolph	...	do	do
James Banning	...	do	do
John Simpson	...	do	do
Zera Gilbert	...	do	do
Robert Thompson	...	do	do
John Dykes	...	do	do
Duncan M'Rae	...	do	do
Ensebins King	...	do	do
Oliver Edwards	...	do	do
Duncan M'Kellar	...	do	Caradoc.
Marvel White	...	do	do
Wm. Dickner	...	do	do
Thomas Pallen	...	do	do
Donald Campbell	...	do	do
Malcolm Campbell	...	do	do
Wm. Wellman	...	do	do

Donald Getty	...	do	do
James Fisher	...	do	do
Donald M'Guyan	...	do	do
Neil M'Guyan	...	do	do
Wm. English	...	do	do
Archibald Campbell	...	do	do
Alexander Campbell	...	do	do
Harvey Butler	...	do	do
David Smith	...	do	do
Wm. Harrison	...	do	do
Benjamin Bartlett	...	do	do
Archibald Campbell	...	do	do
John Campbell	...	do	do
John Campbell, junior	...	do	do
Malcolm Campbell	...	do	do
Archibald Campbell	...	do	do
Duncan M'Lean	...	do	do
Duncan M'Callum	...	do	do
Benjamin Lockwood	...	do	do
Peter Sinclair	...	do	do
Malcom M'Kellar	...	do	do
Duncan Sinclair	...	do	do
Abijah Martin	...	do	do
Jeremiah London	...	do	do
Gregory Allen	...	do	do
Malcolm Campbell	...	do	do
Parmenus Martin	...	do	do
Duncan M'Lean	...	do	do
Donald M'Arthur	...	do	Lobo.
Alexander Johnson	...	do	do
Robert Adamson	...	do	do
John Campbell	...	do	do
Richard Edwards	...	do	do
Archibald M'Arthur	...	do	do
Sylvester Campbell	...	do	do
John B. Campbell	...	do	do
Wm. Beckwith	...	do	do
Duncan Lyman	...	do	do
Lachlin M'Intaggit	...	do	do
John M'Call	...	do	do
Archibald M'Kellar	...	do	do
Andrew Ferguson	...	do	do
Duncan M'Intyre	...	do	do
John M'Kay	...	do	do
Wm. Boston	...	do	do
Thomas Boston	...	do	do
Thomas Hume	...	do	do
Duncan Graham	...	do	do
Dugald Graham	...	do	do

<i>Eliphalet Gustur</i>	...	<i>do</i>	<i>do</i>
<i>Benjamin Woodhull</i>	...	<i>do</i>	<i>do</i>
<i>Benjamin Woodhull</i>	...	<i>do</i>	<i>do</i>
<i>Donald M'Kinley</i>	...	<i>do</i>	<i>do</i>
<i>Wm. Oliver</i>	...	<i>do</i>	<i>do</i>
<i>Peter Graham</i>	...	<i>do</i>	<i>do</i>
<i>James Alwood</i>	...	<i>do</i>	<i>do</i>
<i>Donald Graham</i>	...	<i>do</i>	<i>do</i>
<i>Joseph M'Intyre</i>	...	<i>do</i>	<i>do</i>
<i>Archibald M'Vicar</i>	...	<i>do</i>	<i>do</i>
<i>Alexander M'Pherson</i>	...	<i>do</i>	<i>do</i>
<i>Jesse Zavitz</i>	...	<i>do</i>	<i>do</i>
<i>John Zavitz</i>	...	<i>do</i>	<i>do</i>
<i>Donald Campbell</i>	...	<i>do</i>	<i>do</i>
<i>James M'Arthur</i>	...	<i>do</i>	<i>do</i>
<i>Duncan M'Keith</i>	...	<i>do</i>	<i>do</i>
<i>John Harris</i>	...	<i>do</i>	<i>do</i>
<i>Duncan M'Intyre</i>	...	<i>do</i>	<i>do</i>
<i>Peter M'Vicar</i>	...	<i>do</i>	<i>do</i>
<i>Joseph S. Sides</i>	...	<i>do</i>	<i>do</i>
<i>Archibald M'Arthur</i>	...	<i>do</i>	<i>do</i>
<i>Charles Woodhull</i>	...	<i>do</i>	<i>do</i>
<i>John Roher</i>	...	<i>do</i>	<i>do</i>
<i>John Edwards</i>	...	<i>do</i>	<i>do</i>
<i>Henry Edwards</i>	...	<i>do</i>	<i>do</i>
<i>James Hedley</i>	...	<i>do</i>	<i>do</i>
<i>Peter Lyman</i>	...	<i>do</i>	<i>do</i>
<i>Peter M'Intyre</i>	...	<i>do</i>	<i>do</i>
<i>Duncan Smith</i>	...	<i>do</i>	<i>do</i>
<i>Charles Carmichael</i>	...	<i>do</i>	<i>do</i>
<i>Hugh M'Intyre</i>	...	<i>do</i>	<i>do</i>
<i>Duncan Graham</i>	...	<i>do</i>	<i>do</i>
<i>Malcolm Smith</i>	...	<i>do</i>	<i>do</i>

(159)

<i>John Smith</i>	...	<i>do</i>	<i>do</i>
<i>John Johnston</i>	...	<i>do</i>	<i>do</i>
<i>Aaron Allen</i>	...	<i>do</i>	<i>do</i>
<i>James M'Vicar</i>	...	<i>do</i>	<i>do</i>
<i>Neil M'Keith</i>	...	<i>do</i>	<i>do</i>
<i>Hyland Ward</i>	...	<i>do</i>	<i>do</i>
<i>Donald M'Donald</i>	...	<i>do</i>	<i>do</i>
<i>Angus M'Donald</i>	...	<i>do</i>	<i>do</i>
<i>Peter M'Intyre</i>	...	<i>do</i>	<i>do</i>
<i>Duncan M'Lean</i>	...	<i>do</i>	<i>do</i>
<i>Norman Lemont</i>	...	<i>do</i>	<i>do</i>
<i>Alexander Campbell</i>	...	<i>do</i>	<i>do</i>
<i>Andrew Cohr</i>	...	<i>do</i>	<i>do</i>

George Whittaker	...	do	do
Hugh Johnston	...	do	do
Donald Dewer	...	do	do
Neil Morrison	...	do	do
Wm. Smith	...	do	do
Duncan M'Vicar	...	do	do
Archibald M'Gongan	...	do	do
John M'Kay	...	do	do
Hugh Carmichael	...	do	do
Benjamin Zavitz	...	do	do
John Lambert	...	do	do
Charles Woodman	...	do	do
John Lyman	...	do	do
Archibald Graham	...	do	do
Alexander Stuart	...	do	do
Alexander Graham	...	do	do
Duncan Graham	...	do	do
Archibald Kerr	...	do	Southwold.
Charles Moss	...	do	do
Hopper King	...	do	do
Alexander Ross	...	do	do
John Watson	...	do	do
Jacob Cazart	...	do	do
Richard Brayne	...	do	do
John Fletcher	...	do	do
Bryce Thompson	...	do	do
Robert Thompson	...	do	do
James Begg	...	do	do
Samuel Mason	...	do	do
George Begg	...	do	do
Abraham King	...	do	do
Archibald Campbell	...	do	do
John Mitchell	...	do	do
John Dells	...	do	do
John Black	...	do	do
Hugh Watson	...	do	do
Archibald Hamilton	...	do	do
David Watson	...	do	do
Edward P. Godfrey	...	do	do
Hugh Shearin	...	do	do
Alexander Hodge	...	do	do
Malcolm M'Intyre	...	do	do
Dugald Brown	...	do	do
John M'Intyre	...	do	do
Allan Watson	...	do	do
Amariah Sutton	...	do	do
Wm. Sells	...	do	do
John Lindsay	...	do	do
Alexander Hamilton	...	do	do

Samuel Griffin	...	do	do
George Robb	...	do	do
James Robb	...	do	do
Jeffrey Hunter	...	do	do
Wm. Casey	...	do	do
Isaac Welter	...	do	do
Edward Harris	...	do	do
Andrew Ham	...	do	do
Stewart Bissett	...	do	do
Willis Smith	...	do	do
David Welter	...	do	do
Neil Durrah	...	do	do
Wm. Spitler	...	do	do
John Welter, junior	...	do	do
George Balantyne	...	do	do
Daniel M'Intosh	...	do	do
Archibald Black	...	do	do
Wm. Oliver	...	do	do
Francis Oliver	...	do	do
John Lawrence	...	do	do
Philo Wood	...	do	do
Archibald Murray	...	do	do
Silas Stafford	...	do	do
James Broidy	...	do	do
Wm. Cushman	...	do	do
Archibald M'Lean	...	do	do
John Stafford	...	do	do
Ralph Stafford	...	do	do
Thomas M'Lellan	...	do	do
John Campbell	...	do	do
David Alliston	...	do	do
Hugh Howell	...	do	do
Nelson M'Lellan	...	do	do
Duncan M'Clarty	...	do	do
John M'Killop	...	do	do
Phineas Barbas	...	do	do
John Petit	...	do	do
Robert Wade	...	do	do
Alexander M'Alpin	...	do	do
Daniel M'Intyre	...	do	do
Abraham Bodine	...	do	do
Christian Husks	...	do	do
Peter M'Lean	...	do	do
John Doan	...	do	do
Charles Scott	...	do	do
Enos Scott	...	do	do
Neil Munroe	...	do	do
Archibald Munroe	...	do	do

Joshua Wardell	...	do	do
Angus M'Intyre	...	do	do
Jeremiah Annett	...	do	do
Terrence Brady	...	do	do
Benjamin Vaninkler	...	do	do
Montgomery Smith	...	do	do
Benjamin Johnston	...	do	do
John Cadnah	...	do	do
Neil Gillies	...	do	do
Wm. Singer	...	do	do
John M'Naught	...	do	do
John Crosby	...	do	do
Abel Stafford	...	do	do
Obadiah Griffin	...	do	do
Peter Sutton	...	do	do
Ira Gilbert	...	do	do
Isaac Philips	...	do	do
David Cushman	...	do	do
James S. Ferguson	...	do	do
John Hamilton	...	do	do
Wm. Kilday	...	do	do
Friend Bissett	...	do	do
Joshua Mines	...	do	do
Angus M'Call	...	do	do
Thomas Kilday	...	do	do
Duncan Campbell	...	do	do
George Taylor	...	do	do
John Munroe	...	do	do
Wm. Warren	...	do	do
Elijah Clark	...	do	do
John M'Nicol	...	do	do
James Hunt	...	do	Westminster.
John Scott	...	do	do
John Elliott	...	do	do
Wm. Bently	...	do	do
John Elliott, junior	...	do	do
Thomas Arnesbury	...	do	do
James Thompson	...	do	do
John Greace	...	do	do
Thomas Greace	...	do	do
Wm. Beatty, junior	...	do	do
John Elliott	...	do	do
James Rare	...	do	do
Alexander Strathy	...	do	do
John Oliver	...	do	do
John Sommers	...	do	do
Andrew Beatty	...	do	do
John Watters	...	do	do

Wm. Beatty	...	do	do
James Beatty	...	do	do
Thomas Beatty	...	do	do
Robert Nicholl	...	do	do
Jacob Hull	...	do	do
Levi Lewis	...	do	do
Calvin Birch	...	do	do
Ezra D. Griffith	...	do	do
John Faries	...	do	do
Elliot Grease	...	do	do
Alonzo Griffith	...	do	do
Hiram Elliott	...	do	do
John Dale	...	do	do
Wm. Grease	...	do	do
John Grant	...	do	do
James Uptigrove	...	do	do
Robert Frank	...	do	do
Edward Teeple	...	do	do
Samuel Jarvis	...	do	do
Daniel Whitehead	...	do	do
Andrew Hammond	...	do	do
David Horton	...	do	do
Edward Beatty	...	do	do
James Beatty	...	do	do

(160)

Lewis Birch	...	do	do
Andrew Banghart	...	do	do
Samuel Hungerford.	...	do	do
Ira Clark	...	do	do
Wm. Sage	...	do	do
Gardiner Merritt	...	do	do
Peter M'Names	...	do	do
Wm. Cooper	...	do	do
John Bold	...	do	do
Wm. Norton	...	do	do
Cornelius Sutherland	...	do	do
Hiram Elliott, senior	...	do	do
George Laidlaw	...	do	do
Wm. Scott	...	do	do
Robert Patten	...	do	do
John Shaver	...	do	do
Len Myrick	...	do	do
James M'Laren	...	do	do
John Smith	...	do	do
Nelson Norton	...	do	do
George Murray	...	do	do

<i>Allan Murray</i>	...	<i>do</i>	<i>do</i>
<i>John Kay</i>	...	<i>do</i>	<i>do</i>
<i>Burris Shaver</i>	...	<i>do</i>	<i>do</i>
<i>David M. Rymal</i>	...	<i>do</i>	<i>do</i>
<i>John Nicholl</i>	...	<i>do</i>	<i>do</i>
<i>James Nicholl</i>	...	<i>do</i>	<i>do</i>
<i>Jacob Dale</i>	...	<i>do</i>	<i>do</i>
<i>Wm. Schram</i>	...	<i>do</i>	<i>do</i>
<i>Charles Montague</i>	...	<i>do</i>	<i>do</i>
<i>David Smith</i>	...	<i>do</i>	<i>do</i>
<i>James Reynolds</i>	...	<i>do</i>	<i>do</i>
<i>Robert Carfrae</i>	...	<i>do</i>	<i>do</i>
<i>John Estle</i>	...	<i>do</i>	<i>do</i>
<i>John Glendenning</i>	...	<i>do</i>	<i>do</i>
<i>Wm. Wheeler</i>	...	<i>do</i>	<i>do</i>
<i>George Duncan</i>	...	<i>do</i>	<i>do</i>
<i>Daniel Norton</i>	...	<i>do</i>	<i>do</i>
<i>David Dale</i>	...	<i>do</i>	<i>do</i>
<i>Barnabas Shaver</i>	...	<i>do</i>	<i>do</i>
<i>Samuel Riddal</i>	...	<i>do</i>	<i>do</i>
<i>Ezekiel Shaver</i>	...	<i>do</i>	<i>do</i>
<i>John Wilkins</i>	...	<i>do</i>	<i>do</i>
<i>Robert Shaver</i>	...	<i>do</i>	<i>do</i>
<i>Robert Shannon</i>	...	<i>do</i>	<i>do</i>
<i>James Greer</i>	...	<i>do</i>	<i>do</i>
<i>Benjamin Kilburn</i>	...	<i>do</i>	<i>do</i>
<i>Jonathan Rodgers</i>	...	<i>do</i>	<i>do</i>
<i>Jacob Dale</i>	...	<i>do</i>	<i>do</i>
<i>Samuel Dale</i>	...	<i>do</i>	<i>do</i>
<i>Alexander Maurice</i>	...	<i>do</i>	<i>do</i>
<i>Joseph Odell</i>	...	<i>do</i>	<i>do</i>
<i>Maurice Kelly</i>	...	<i>do</i>	<i>do</i>
<i>James Nicholls</i>	...	<i>do</i>	<i>do</i>
<i>Alexander Anderson</i>	...	<i>do</i>	<i>do</i>
<i>James Elliott</i>	...	<i>do</i>	<i>do</i>
<i>Francis Nicholl</i>	...	<i>do</i>	<i>do</i>
<i>Martin Pettit</i>	...	<i>do</i>	<i>do</i>
<i>Wm. Adair</i>	...	<i>do</i>	<i>do</i>
<i>Abraham Patrick</i>	...	<i>do</i>	<i>do</i>
<i>Peter Patrick</i>	...	<i>do</i>	<i>do</i>
<i>John Patrick</i>	...	<i>do</i>	<i>do</i>
<i>David Patrick</i>	...	<i>do</i>	<i>do</i>
<i>James Bryan</i>	...	<i>do</i>	<i>do</i>
<i>John Odell</i>	...	<i>do</i>	<i>do</i>
<i>James Beatty, senior</i>	...	<i>do</i>	<i>do</i>
<i>Delisle Teeple</i>	...	<i>do</i>	<i>do</i>
<i>James Holden</i>	...	<i>do</i>	<i>do</i>
<i>Perrin Stephens</i>	...	<i>do</i>	<i>do</i>
<i>Jesse Comorall</i>	...	<i>do</i>	<i>do</i>
<i>James Mather</i>	...	<i>do</i>	<i>do</i>

Wm. Wood	...	do	do
Thomas Jarvis	...	do	do
Aaron Kilburn	...	do	do
Dennis O'Brien	...	do	do
Daniel Mather	...	do	do
John Hart	...	do	do
Alexander Oliver	...	do	do
Peter M'Clarry	...	do	do
George Washington	...	do	do
Thomas M'Millan	...	do	do
James Dunbar	...	do	do
Porter Stephens	...	do	do
George Stephens	...	do	do
Andrew Alson	...	do	do
Matthew Caldwell	...	do	do
Robert Murray	...	do	do
Wm. Brown	...	do	do
Wm. Eyers	...	do	do
Osborne Barras	...	do	do
James M'Dermot	...	do	do
Archibald Riddle	...	do	do
Wm. A. Sumner	...	do	do
Henry V. Buskup	...	do	do
Nathaniel Loup	...	do	do
John Stauch	...	do	do
Alexander M'Donald	...	do	do
James Nixon	...	do	do
Ira Sumner	...	do	do
Simeon Start	...	do	do
Peter Hartwell	...	do	do
Nathan Griffith	...	do	do
Cyrus W. Sumner	...	do	do
Abraham Patrick, junior	...	do	do
Hiram Crawford	...	do	do
Wm. Bryant	...	do	do
Walter Walters	...	do	do
Thomas Sommers	...	do	do
John Duncan	...	do	do
Peter Swats	...	do	do
Jacob Swats	...	do	do
Anthony Fick	...	do	do
Charles Reaves	...	do	do
Bartholomew Swats	...	do	do
Jacob B. Swarts	...	do	do
John Sutherland	...	do	do
Wm. Miller	...	do	do
James M. Babbitt	...	do	do
Jesse Wilkins	...	do	do

<i>John Skuse</i>	...	<i>do</i>	<i>do</i>
<i>Samuel Riddal</i>	...	<i>do</i>	<i>do</i>
<i>W. H. Gray</i>	...	<i>do</i>	<i>do</i>
<i>Harry Edwards</i>	...	<i>do</i>	<i>Dorchester.</i>
<i>Henry Pigot</i>	...	<i>do</i>	<i>do</i>
<i>Joshua Putnam</i>	...	<i>do</i>	<i>do</i>
<i>Wm. Niles</i>	...	<i>do</i>	<i>do</i>
<i>John Gilbert</i>	...	<i>do</i>	<i>do</i>
<i>John Wismer</i>	...	<i>do</i>	<i>do</i>
<i>John Tuttle</i>	...	<i>do</i>	<i>do</i>
<i>Robert Fleming</i>	...	<i>do</i>	<i>do</i>
<i>Wm. Walker</i>	...	<i>do</i>	<i>do</i>
<i>Stephen Allen</i>	...	<i>do</i>	<i>do</i>
<i>Wm. Edwards</i>	...	<i>do</i>	<i>do</i>
<i>Wm. Filchet</i>	...	<i>do</i>	<i>do</i>
<i>David Walker</i>	...	<i>do</i>	<i>do</i>
<i>Jeremiah Rounds</i>	...	<i>do</i>	<i>do</i>
<i>John G. Wells</i>	...	<i>do</i>	<i>do</i>
<i>Benjamin Willis</i>	...	<i>do</i>	<i>do</i>
<i>Joseph F. Rolphe</i>	...	<i>do</i>	<i>do</i>
<i>Jonathan Wade</i>	...	<i>do</i>	<i>do</i>
<i>Warner Young</i>	...	<i>do</i>	<i>do</i>
<i>David Chamberlain</i>	...	<i>do</i>	<i>do</i>
<i>John Garner</i>	...	<i>do</i>	<i>do</i>
<i>Aaron Doan</i>	...	<i>do</i>	<i>do</i>
<i>Jutson Sweet</i>	...	<i>do</i>	<i>do</i>
<i>Wm. York</i>	...	<i>do</i>	<i>do</i>
<i>Dennis York</i>	...	<i>do</i>	<i>do</i>
<i>James Monger</i>	...	<i>do</i>	<i>do</i>
<i>John Gillies</i>	...	<i>do</i>	<i>do</i>
<i>Dennis Horseman</i>	...	<i>do</i>	<i>do</i>
<i>Robert Allen</i>	...	<i>do</i>	<i>do</i>
<i>Obadiah Roszel</i>	...	<i>do</i>	<i>do</i>
<i>James Finn</i>	...	<i>do</i>	<i>do</i>
<i>Henry Lewis</i>	...	<i>do</i>	<i>do</i>
<i>James Nicholl</i>	...	<i>do</i>	<i>do</i>
<i>James Sage</i>	...	<i>do</i>	<i>do</i>
<i>James Henicker</i>	...	<i>do</i>	<i>do</i>
<i>Wm. Vice</i>	...	<i>do</i>	<i>do</i>
<i>Wm. Henry Wilson</i>	...	<i>do</i>	<i>do</i>
<i>John Dixon</i>	...	<i>do</i>	<i>do</i>
<i>George Temple</i>	...	<i>do</i>	<i>do</i>
<i>David Brooks</i>	...	<i>do</i>	<i>do</i>
<i>Jacob Cline</i>	...	<i>do</i>	<i>do</i>
<i>John C. Post</i>	...	<i>do</i>	<i>do</i>
<i>Nathan Choate</i>	...	<i>do</i>	<i>do</i>
<i>Joseph Brickley</i>	...	<i>do</i>	<i>do</i>
<i>Levi Allen</i>	...	<i>do</i>	<i>do</i>
<i>Benjamin Shark</i>	...	<i>do</i>	<i>do</i>

Frederick Weever	...	do	do
Clarke Allen	...	do	do
Archibald M'Laughlin	...	do	do
Isaac Willis	...	do	do
Zedekiah Dame	...	do	do
Frederick House	...	do	do
Samuel Smith	...	do	do
Wm. Duncan	...	do	do
Peter Clayton	...	do	Malahide.
James Brown	...	do	do
John Mallony	...	do	do
Reuben Crandall	...	do	do
O. Phelps	...	do	do
James Adams	...	do	do
John Huff	...	do	do
Daniel Abel	...	do	do

(161)

Patrick Burns	...	do	do
Samuel Van Wagoner	...	do	do
Aaron Van Porter	...	do	do
James Martin	...	do	do
Wm. B. Teeple	...	do	do
Joseph Nelson	...	do	do
George Anger	...	do	do
John Parker	...	do	do
Paul Noble	...	do	do
John Chonas	...	do	do
John Pound	...	do	do
John Hoover	...	do	do
John Huffman	...	do	do
Abraham Beemer	...	do	do
Hosea Vanpatter	...	do	do
Daniel Birsall	...	do	do
Cornelius Bowen	...	do	do
Jacob Neff	...	do	do
Lewis Bowlby	...	do	do
Frederick Miller	...	do	do
Jacob Vanvelzer	...	do	do
Abraham Vanpatter	...	do	do
Andrew M'Causland	...	do	do
Orange Partlow	...	do	do
Henry Segar	...	do	do
Hamilton M'Kenny	...	do	do
John Vanvelger	...	do	do
Wm. Young	...	do	do
Elijah Phelps	...	do	do
Walter E. Murray	...	do	do

Robert M'Kenny	...	do	do
Ambrose Caswell	...	do	do
Wm. Teeple	...	do	do
Ira Doolittle	...	do	do
John C. Miller	...	do	do
Henry Martin	...	do	do
Daniel Wooby	...	do	do
George Teeple	...	do	do
Thomas Lockhart	...	do	do
David M. Bearp	...	do	do
James Linda	...	do	do
James Harvey	...	do	do
Wilson Buck	...	do	do
Peter Wooly	...	do	do
Warren F. Davis	...	do	do
John D. Brooks	...	do	do
Leonard Cline	...	do	do
Daniel Bearp	...	do	do
Jonathan Brooks	...	do	do
Isaac Esseltone	...	do	do
Amos Bently	...	do	do
Jeremiah Vanwagoner	...	do	do
Charles Pettys	...	do	do
Morris Sovereign	...	do	do
Harvey Wencroft	...	do	do
Bradford Corley	...	do	do
Obed Bencroft	...	do	do
Thomas Clunas	...	do	do
Samuel Westover.	...	do	do
Lewis Clarke	...	do	do
Reuben Brundage	...	do	do
Wm. T. Egbert	...	do	do
John M. Beemer	...	do	do
John M'Kenny	...	do	do
David Sutherland	...	do	do
Wm. Davis	...	do	do
Charles Smith	...	do	do
Daniel Davis	...	do	do
Nelson Leek	...	do	do
Benjamin Richard	...	do	do
Henry Slosson	...	do	do
Amos Whittimore	...	do	do
Elijah Shotwell	...	do	do
Amos G. Canby	...	do	do
Arthur M'Levy	...	do	do
Levi Nickerson	...	do	do
George Sturkes	...	do	do
Daniel P. Bradley	...	do	do

Hiram T. Brown	...	do	do
Israel Thayer	...	do	do
Thomas Edison	...	do	do
Eli Brown	...	do	do
Judson Garret	...	do	do
John Gillet	...	do	do
Thomas Telfer	...	do	London.
Adam Telfer	...	do	do
Moses Moiden	...	do	do
Edward Charlton	...	do	do
Wm. J. Odell	...	do	do
James Farley	...	do	do
Wm. Hale	...	do	do
Nathan Jacobs	...	do	do
Henry Scott	...	do	do
Wm. Wilson	...	do	do
Joseph Brooks	...	do	do
Michael Redmonds	...	do	do
Thomas Smith	...	do	do
John Castor	...	do	do
Simeon Morrell	...	do	do
James Barker	...	do	do
John O'Neil	...	do	do
Wm. Elliott	...	do	do
James Swayze	...	do	do
Hugh M'Bain	...	do	do
John Baird	...	do	do
John Hadley	...	do	do
Patrick Smith	...	do	do
John Heaxton	...	do	do
Andrew Ribbon	...	do	do
John Douglass	...	do	do
John Armstrong	...	do	do
John Littlewood	...	do	do
John Ribbon	...	do	do
Wm. Robson	...	do	do
L. Paisley	...	do	do
Daniel Boyar	...	do	do
Peter Gibson	...	do	do
Andrew Scott	...	do	do
David Ryckman	...	do	do
Edward Dunn	...	do	do
John Wells	...	do	do
Wm. Warren	...	do	do
Edward Green	...	do	do
Silas Warner	...	do	do
George Smith	...	do	do
Robert Molten	...	do	do
James Shubert	...	do	do

Asa K. Warren	...	do	do
Wm. Whillars, junior	...	do	do
Robert Keys	...	do	do
Wm. Fuller.	...	do	do
Ebenezer Farrar	...	do	do
Christopher Wharf	...	do	do
John Jennings	...	do	do
Hugh Stevenson	...	do	do
John O. Flynn	...	do	do
Wm. Johnston	...	do	do
Daniel Munroe	...	do	do
Alexander M'Donald	...	do	do
James Morden	...	do	do
James Grant	...	do	do
Solomon Munroe	...	do	do
James Nixon	...	do	do
Wm. Evans	...	do	do
Alexander Cameron	...	do	do
George Belton	...	do	do
Noble English	...	do	do
John Clarke	...	do	do
Thomas Morgan	...	do	do
David Rosser	...	do	do
John Rosser	...	do	do
David Brazill	...	do	do
John Armstrong	...	do	do
Hugh Barclay	...	do	do
Joseph Elson	...	do	do
James Corsant	...	do	do
John H. Hart	...	do	do
John Nellis	...	do	do
Ephraim Ayers	...	do	do
Michael Flood	...	do	do
Archibald M'Ilhary	...	do	do
Thomas Ryan	...	do	do
Wm. Harrison	...	do	do
Charles Tuckey	...	do	do
Daniel Davis	...	do	do
Thomas Flood	...	do	do
Andrew M'Cayelith	...	do	do
Wm. Raussey	...	do	do
James Rock	...	do	do
Dudley Merriles	...	do	do
Thomas Rosser	...	do	do
Matthew Rosser	...	do	do
Joel P. Doan	...	do	Yarmouth.
Abraham Huff	...	do	do
John M'Kenzie	...	do	do
Nelson Ruse	...	do	do

Jesse Kipp	...	do	do
Edward Morgan	...	do	do
John M'Kay	...	do	do
Donald M'Intosh	...	do	do
Jacob Pace	...	do	do
John Kipp	...	do	do
Duncan Wilson	...	do	do
Lewis Rowland	...	do	do
John Chase	...	do	do
David Mills	...	do	do

(162)

Hiran B. Smith	...	do	do
Thomas Spragge	...	do	do
Jacob Wisnear	...	do	do
Edward Mitchell, senior	...	do	do
John Harvey	...	do	do
Hiran Kipp	...	do	do
David Pace	...	do	do
Andrew Davis	...	do	do
Benjamin Second	...	do	do
James Mitchell	...	do	do
Jacob Wisnear	...	do	do
Charles Crane	...	do	do
Nelson Ayers	...	do	do
James Ferguson	...	do	do
David Harvey	...	do	do
George Miner	...	do	do
James Copeland	...	do	do
Wm. Mihill	...	do	do
Elias Moore, junior	...	do	do
John Oil	...	do	do
Wm. Smith	...	do	do
Wm. Scott	...	do	do
George Lawrence	...	do	do
Edward Mahon	...	do	do
Daniel Black	...	do	do
John Campbell	...	do	do
Elijah Graves	...	do	do
Benjamin Nearn	...	do	do
John M'Dowell	...	do	do
Squire Johnstone	...	do	do
Edward Mitchell, junior	...	do	do
Randolph Johnston	...	do	do
Horatio Johnston	...	do	do
Thomas Darling	...	do	do
David Hunter	...	do	do
John Craven	...	do	do

<i>Jehial Mann</i>	...	<i>do</i>	<i>do</i>
<i>John Edmondstone</i>	...	<i>do</i>	<i>do</i>
<i>Wm. Vasey</i>	...	<i>do</i>	<i>do</i>
<i>John Moore</i>	...	<i>do</i>	<i>do</i>
<i>John Jones</i>	...	<i>do</i>	<i>do</i>
<i>Jacob Davitz</i>	...	<i>do</i>	<i>do</i>
<i>John Lanning</i>	...	<i>do</i>	<i>do</i>
<i>John Curtiss</i>	...	<i>do</i>	<i>do</i>
<i>Moses Millard</i>	...	<i>do</i>	<i>do</i>
<i>John Jones</i>	...	<i>do</i>	<i>do</i>
<i>Brazili Samson</i>	...	<i>do</i>	<i>do</i>
<i>Seth Preffer</i>	...	<i>do</i>	<i>do</i>
<i>Joseph Tomlinson</i>	...	<i>do</i>	<i>do</i>
<i>John T. Doan</i>	...	<i>do</i>	<i>do</i>
<i>John Piper</i>	...	<i>do</i>	<i>do</i>
<i>Marshall J. Moore</i>	...	<i>do</i>	<i>do</i>
<i>Wm. Smith</i>	...	<i>do</i>	<i>do</i>
<i>Henry Black</i>	...	<i>do</i>	<i>do</i>
<i>Elijah Morey</i>	...	<i>do</i>	<i>do</i>
<i>Hugh Douglass</i>	...	<i>do</i>	<i>do</i>
<i>Wm. York</i>	...	<i>do</i>	<i>do</i>
<i>John M'Bain</i>	...	<i>do</i>	<i>do</i>
<i>Richard Misner</i>	...	<i>do</i>	<i>do</i>
<i>Lindley Moore</i>	...	<i>do</i>	<i>do</i>
<i>Wm. Woodman</i>	...	<i>do</i>	<i>do</i>
<i>Charles H. Conrad</i>	...	<i>do</i>	<i>do</i>
<i>Elijah E. Duncombe</i>	...	<i>do</i>	<i>do</i>
<i>Garret Oaks</i>	...	<i>do</i>	<i>do</i>
<i>George Southwick</i>	...	<i>do</i>	<i>do</i>
<i>Charles Colquhoun</i>	...	<i>do</i>	<i>do</i>
<i>Asa Howard</i>	...	<i>do</i>	<i>do</i>
<i>Samuel York</i>	...	<i>do</i>	<i>do</i>
<i>Elias Moore, senior</i>	...	<i>do</i>	<i>do</i>
<i>Alvin York</i>	...	<i>do</i>	<i>do</i>
<i>Archibald M'Intyre</i>	...	<i>do</i>	<i>do</i>
<i>Thomas Hodge</i>	...	<i>do</i>	<i>do</i>
<i>Thomas Allen</i>	...	<i>do</i>	<i>do</i>
<i>Joel Lewis</i>	...	<i>do</i>	<i>do</i>
<i>Israel S. Doan</i>	...	<i>do</i>	<i>do</i>
<i>Septimus Davis</i>	...	<i>do</i>	<i>do</i>
<i>Adam Hope</i>	...	<i>do</i>	<i>do</i>
<i>John Black</i>	...	<i>do</i>	<i>do</i>
<i>Jonathan Doan</i>	...	<i>do</i>	<i>do</i>
<i>Joseph Albertson</i>	...	<i>do</i>	<i>do</i>
<i>Wm. Ross</i>	...	<i>do</i>	<i>do</i>
<i>Benjamin C. Doan</i>	...	<i>do</i>	<i>do</i>
<i>Richard Launing</i>	...	<i>do</i>	<i>do</i>
<i>James H. Smith</i>	...	<i>do</i>	<i>do</i>
<i>Solomon Thompson</i>	...	<i>do</i>	<i>do</i>

James J. Curtis	...	do	do
John Stockton	...	do	do
Peter Doan	...	do	do
John Mathew	...	do	do
Richard Davis	...	do	do
Lachlan Weir	...	do	do
John Shotwell	...	do	do
Walter Lincoln	...	do	do
Henry Lincoln	...	do	do
Luther Tuple	...	do	do
Isaac Vansickle	...	do	do
Wm. Hanvy	...	do	do
Charles James Hope	...	do	do
Asa Bullock	...	do	do
Hosea Baker	...	do	do
Joseph Terril	...	do	do
O'Neil Close	...	do	do
James Mills	...	do	do
Jesse Bayley	...	do	do
Finley Grant	...	do	do
James M'Connel	...	do	do
John Mills, senior	...	do	do
Anson Paul	...	do	do
Isaac Mills	...	do	do
Samuel Martin•	...	do	do
Samuel Minard	...	do	do
Jacob Crave	...	do	do
Daniel Brodie	...	do	do
John B. Crave	...	do	do
Isaac Crave	...	do	do
John Sutton	...	do	do
Wm. Parker, senior	...	do	do
Cornelius Mills	...	do	do
Samuel Wright	...	do	do
John A. Atkins	...	do	do
James Paul	...	do	do
Merrill S. Ayres	...	do	do
James E. Vale	...	do	do
Daniel W. Stockton	...	do	do
John Mills, junior	...	do	do
Wm. Ostrander	...	do	do
Enos Carol	...	do	do
Duncan M'Lean	...	do	do
John Farigrave	...	do	do
Peter Ferguson	...	do	do
James Hayte	...	do	do
John Vansickle	...	do	do
George Tuple	...	do	do

John Preffer	...	do	do
Luther Lincoln	...	do	do
Edward W. Maloy	...	do	do
George Philmore	...	do	do
James Brown	...	do	do
John M'Neil	...	do	do
John Beaupre	...	do	do
Nelson Nelson	...	do	do
Hon. D. B. Papineau, Commis- sioner of Crown Lands	...		Montreal.
Tancred Bouthillier, Ass't. Com.	...		do
Hon. R. A. Tucker, Registrar	...		do
Hon. D. Daly, Provincial Secre- tary	...		do
James Hopkirk, Ass't. Secretary	...		do
Joseph Cary, Esq., Deputy Inspector General	...		do
John Wilson, Esq., Returning Officer	...		London.
Registrar Surrogate Court	...		do
Registrar of the county of Middlesex	...		Middlesex.
Hon. Thomas Talbot	...		do
John M'Call	...	Township of Westminster.	
Calvin Burch	...	do	do
C. Hector	...	do	do
Joseph Mann	...	do	do
Peter Johnston	...	do	do
Hercules Burwell	...	do	do
James A. Weishulve	...	do	do
Benjamin Cook	...	do	do
Alexander Strathy	...	do	do
Henry Legg	...	do	do
Samuel Lewis	...	do	do
Thomas Errington	...	do	do
George Oakland or Auckland	...	do	do
Robert Oakland or Auckland	...	do	do
John R. Labatt	...	do	do
James Baynard	...	do	do
Henry W. Bennett	...	do	do
Josiah Meadows	...	do	do
Charles Aulier	...	do	do
John Gourlay	...	do	do
Thomas Archer	...	do	do
David Eaton	...	do	do
---- Eaton (his brother)	...	do	do
J. Harris	...	do	do
Henry Glemain	...	do	do
----- Glemain (his brother)	...	do	do

B. Cook	...	do	do
John Lee	...	do	do
Edward Burns	...	do	do
Maurice Keeley	...	do	do
Charles Hatt	...	do	do
Hiram Mann	...	do	do
Daniel Mann	...	do	do
David Mann	...	do	do
George King	...	do	do
Timothy Cook	...	do	do
Daniel Birdsall	...	do	Malahide.
Gilman Davis	...	do	do
Daniel Abel	...	do	do
James Brown	...	do	do
Amos B. M'Kerney	...	d	do
Isaac Campbell	...	do	Westminster.
James Beattie	...	do	do
Archibald Millar	...	do	Lobo.

(163)

David Rymal	...	do	do
John Edwards	...	do	do
Richard Neil	...	do	do
John Ward	...	do	do
John Shaw	...	do	do
John Edwards, senior	...	do	do
David Parr	...	do	do
James Campbell	...	do	do
John D. Anderson	...	do	do
Thomas Duncan	...	do	do
James Read	...	do	do
Robert Thompson	...	do	do
Robert Irvin	...	do	do
Simeon Buller	...	do	do
Charles Peats	...	do	do
Samuel Bartlet	...	do	do
John Bellyard	...	do	do
Charles Bostwick	...	do	Westminster.
George Monro	...	do	Aldboro.
John M'Bride	...	do	do
Mahlon Burwell, Registrar	...	County of	Middlesex.
Sheriff Hamilton	...		London.
Robert Smith	...	Township of	Aldboro.
John Campbell	...	do	do
John Ford	...	do	do
David Ford	...	do	do
John Buchan	...	do	do
John G. Gillies	...	do	do
Dugald M'Millan	...	do	do

Duncan M'Kellar	...	do	Mosa.
Ewen M'Kinlay	...	do	Aldboro.
Dugald Campbell	...	do	Southwold.
Deputy Registrar	...	do	do
Angus M'Intyre	...	do	Aldboro.
C. W. Dyer	...	do	London
Archibald M'Neil, senior	...	do	Yarmouth.
Hugh M'Neil	...	do	do
John Bostwick	...	County of	Middlesex.
Joseph R. Bostwick	...	do	do
Benjamin Wilson	...	do	do
Daniel Hanvey	...	do	do
Asa Fordyce	...	do	do
Edward Pratt and wife	...	do	do
William Parker, senior	...	do	do
George Jay	...	Township of	Yarmouth.
Samuel Eccles, junior	...	do	do
Hon. George J. Goodhue	...	do	London.
James H. L. Begg	...	do	Yarmouth.
Peter Secord	...	do	do
Watson Welding	...	do	do
Benjamin Wilson	...	do	do
Jeronomus Rapelge	...	do	do
Wm. Martin	...	do	do
Anson Gould	...	do	do
Alexander Martin	...	do	do
Jonah Higgins	...	do	do
Wm. Thomson	...	do	do
George Heathcote	...	do	Bayham.
Nicholas Spore	...	do	do
Peter Clayton	...	do	Malahide.
John Beamer	...	do	do
Elthan Paul	...	do	Yarmouth.
Charles Colquhoun	...	do	do
George Miner	...	do	do
Mrs. Asa Howard	...	do	do
Mrs. John Caughill	...	do	do
Moses Hughes	...	do	do
George Cline	...	do	do
John Pearce, senior	...	do	Dunwich.
Wm. Pearce	...	do	do
Leslie Patterson	...	do	do
John Doan	...	do	Southwold.
Jonathan Doan	...	do	Yarmouth.
Benjamin Drake	...	do	do
Jehiel Mann	...	do	Southwold.
Elijah Mann	...	do	do
Garrett Oakes	...	do	Malahide.
John Gilbert	...	do	do

Stephen Secord	...	do	do
John Jones	...	do	do
William Teeple	...	do	Yarmouth.
George Teeple	...	do	do
Samuel Kughes	...	do	do
John Kepp	...	do	do
Hercules Burwell	...	do	London.
Thomas Warren	...	do	Yarmouth.
John Gilbert	...	do	do
Jehiel Mann	...	do	Southwold.
William C. Brockaway	...	do	do
Jacob Lemon	...	do	do
Matthias Boughner	...	do	do
Squire Millard	...	do	do
Isaac Borolby	...	do	do
William Sparkman	...	do	do
David Mekeson	...	do	do
Jesse Zavitz	...	do	do
James Hamilton	...	do	London.
Richard Brayne	...	Township of Southwold.	
John Leitch	...	do	do
John Munro	...	do	do
William Meek	...	do	do
James Meek	...	do	do
John Boughner	...	do	do
Surranus Thompson	...	do	do
Henry Warren, Esq.	...	do	do
Thomas Warren	...	do	do
Richard D. Drake	...	do	do
Elijah Clarke	...	do	do
John Letts	...	do	do
Henry Ellis	...	do	do
William Waugh	...	do	do
Benjamin Davis	...	do	do
Arthur Nichol	...	do	do
John Fletcher	...	do	do
John M'Nicol	...	do	do
John Orr	...	do	do
Elizabeth Whetwam	...	do	do
Michael Calcutt	...	do	do
Henry C. W. Beecher	...	do	do
John M'Intosh	...	do	do
John Campbell	...	do	do
George Lawson	...	do	do
William Singer	...	do	do
Jacob Berdan	...	do	do
Chauncey Lewis	...	do	do
John Partridge	...	do	do
Andrew Williams, senior	...	do	do

Richard Williams	...	do	do
Thomas Williams	...	do	do
George Hale	...	do	do
James Begg	...	do	do
Richard Brayne	...	do	do
Bryce Thompson	...	do	do
Macgrave Thompson	...	do	Adelaide.
James Murray	...	do	do
P. Philips	...	do	do
David Rymal	...	do	Lobo.
John Edwards	...	do	do
John M'Kendray	...	do	do
John Gray	...	do	do
Duncan M'Intyre	...	do	do
Hugh Carmichael	...	do	do
John M'Dougall	...	do	do
Rev. D. Sinclair	...	do	do
Col. Craig	...	County of Middlesex.	
John Grace	...	do	Caradoc.
John Parker	...	do	do
Daniel Lockwood	...	do	do
Mr. Livingston, Schoolmaster	...	do	do
William Fisher	...	do	do
John Wells	...	Township of	London.
Patrick Smith	...		
Joseph Hughes	...	do	do
William Lee	...	do	Caradoc.
Joseph Fisher	...	do	do
Daniel Lockwood	...	do	do
Moses Warren	...	do	Southwold.
Wilson Mills	...	do	Caradoc.
Jeremiah London	...	do	do
Charles Bateman, junior	...	do	do
Lancaster Schofield	...	do	do
Joseph Stevenson	...	do	Catfish.
John Little	...	do	do
Roswell Timlinson	...	do	Yarmouth.
John Vansicle	...	do	do
Peter Graves	...	do	Southwold.
Eleazer M'Carthy	...	do	Dorchester.
John E. Waldrow	...	do	London.

The Honourable Mr. Solicitor General Sherwood handed in a list of witnesses, required in behalf of the Sitting Member, which was also read by the Clerk, as follows:--

LIST OF WITNESSES,

On the part of E. ERMATINGER, residing in the London District, to give
Testimony relative to Votes polled for WM. NOTMAN, Esquire, at the
late Election for the County of MIDDLESEX.

NAMES.

RESIDENCE.

William Wilcox	...	Township of Yarmouth.
Jesse Page	...	do do
Samuel Minor	...	do do
Allen M'Call	...	do do
Henry Yarwood	...	do do
Peter Secord	...	do do
Leslie Pearce	...	do do
George Lawrence	...	do do
Joseph Marlatt	...	do do
Benjamin Drake	...	do do
(164)		
George Mann	...	do do
John Marlatt	...	do do
Jacob Wismer	...	do do
Benjamin Doan	...	do do
T. D. Warren, Esquire	...	do do
Henry Finch	...	do Malahide.
Alex. Hodge	...	do Yarmouth.
Jos. R. Bostwick	...	do do
John Marten	...	do do
Enos Call	...	do do
Cornelius Mills	...	do do
John Learn	...	do do
Lawrence Doyle	...	do do
Daniel Hanvey, Esquire	...	do do
Daniel Mann	...	do do
James Vansickle	...	do do
Richard Gilbert	...	do do
William Gilbert	...	do do
Thomas Lindop	...	do do
John Kent	...	do do
Murdock M'Kenzie, Esq.	...	do do
John Davis	...	do do
John Miller	...	do do
Benjamin Wilson, Esq.	...	do do
John Bostwick, Esq.	...	do do
John Bostwick, junior	...	do do
George Kellistine	...	do do
Isaac Crane	...	do do

<i>John B. Crane</i>	...	<i>do</i>	<i>do</i>
<i>Jacob Crane</i>	...	<i>do</i>	<i>do</i>
<i>Thomas Finch</i>	...	<i>do</i>	<i>do</i>
<i>William Montgomery</i>	...	<i>do</i>	<i>do</i>
<i>James C. Crysler</i>	...	<i>do</i>	<i>do</i>
<i>James Nevills</i>	...	<i>do</i>	<i>do</i>
<i>John Caughill</i>	...	<i>do</i>	<i>do</i>
<i>David Caughill</i>	...	<i>do</i>	<i>do</i>
<i>George A. Caughill</i>	...	<i>do</i>	<i>do</i>
<i>George Caughill</i>	...	<i>do</i>	<i>do</i>
<i>Samuel Price</i>	...	<i>do</i>	<i>do</i>
<i>Bart. Rappleje</i>	...	<i>do</i>	<i>do</i>
<i>Alfred J. Allworth</i>	...	<i>do</i>	<i>do</i>
<i>Abraham Zavits</i>	...	<i>do</i>	<i>do</i>
<i>Thos. Curtis</i>	...	<i>do</i>	<i>do</i>
<i>Lyman Leonard</i>	...	<i>do</i>	<i>do</i>
<i>Alex. Gordon, Poll Clerk</i>	...	<i>do</i>	<i>do</i>
<i>Thos. Francis</i>	...	<i>do</i>	<i>do</i>
<i>S. W. Thompson</i>	...	<i>do</i>	<i>do</i>
<i>Matthew Thompson</i>	...	<i>do</i>	<i>do</i>
<i>James Jay</i>	...	<i>do</i>	<i>do</i>
<i>William Orr</i>	...	<i>do</i>	<i>Westminster.</i>
<i>Edward Burns, Miller</i>	...	<i>do</i>	<i>do</i>
<i>Hiram Mann</i>	...	<i>do</i>	<i>do</i>
<i>Garner Ellwood</i>	...	<i>do</i>	<i>do</i>
<i>Cyrenus Hall, Esquire</i>	..	<i>do</i>	<i>do</i>
<i>Dr. Hall</i>	...	<i>do</i>	<i>do</i>
<i>Matthew Caldwell</i>	...	<i>do</i>	<i>do</i>
<i>Ezekiel Cardwell</i>	...	<i>do</i>	<i>do</i>
<i>Cyrus Summer</i>	...	<i>do</i>	<i>do</i>
<i>Thomas Errington</i>	...	<i>do</i>	<i>do</i>
<i>Gideon Bostwick</i>	...	<i>do</i>	<i>do</i>
<i>Busban B. Bostwick</i>	...	<i>do</i>	<i>do</i>
<i>Henry Shenech</i>	...	<i>do</i>	<i>do</i>
<i>Richard Tunks</i>	...	<i>do</i>	<i>do</i>
<i>Abraham Patrick</i>	...	<i>do</i>	<i>do</i>
<i>Peter M'Names</i>	...	<i>do</i>	<i>do</i>
<i>Samuel Lewis</i>	...	<i>do</i>	<i>do</i>
<i>John O'wrey</i>	...	<i>do</i>	<i>do</i>
<i>James O'wrey</i>	...	<i>do</i>	<i>do</i>
<i>Wm. Ayres</i>	...	<i>do</i>	<i>do</i>
<i>George T. Claris</i>	...	<i>do</i>	<i>do</i>
<i>J. K. Labatte</i>	...	<i>do</i>	<i>do</i>
<i>Edward Hunt</i>	...	<i>do</i>	<i>do</i>
<i>Walter Biddulph</i>	...	<i>do</i>	<i>do</i>
<i>James Little</i>	...	<i>do</i>	<i>do</i>
<i>Matthias Sutton</i>	...	<i>do</i>	<i>do</i>
<i>William Sutton</i>	...	<i>do</i>	<i>do</i>
<i>Benjamin Cook</i>	...	<i>do</i>	<i>do</i>

John Jones	...	do	do
Peter M'Gregor	...	do	do
Charles Hayward	...	do	do
Thomas Coote	...	do	do
Jeremiah Moore	...	do	Bayham.
John Lambert	...	do	do
John Burwell, Esquire	...	do	do
George Dobbie	...	do	do
Isaac Draper	...	do	do
Caleb Cook	...	do	do
Ephraim C. Mitchell	...	do	do
Lewis Emerson	...	do	do
----- Wrang	...	do	do
Andrew Dobbie, Esquire	...	do	do
William F. Wallace	...	do	do
Neil M'Kinnon	...	do	do
Thomas Higginson, Esq.	...	do	do
Samuel Livingston	...	do	do
James Walker	...	do	do
Solomon Moore	...	do	do
James Hutchison	...	do	do
John M. Crawford	...	do	do
Daniel Purdy	...	do	do
Hiram H. Gilbert	...	do	do
W. B. Wrong	...	do	do
Jacob Manning	...	do	Dorchester.
Hamilton Emery	...	do	do
John Gunn	...	do	do
Henry Wooley	...	do	do
David Doty	...	do	do
Edward Domdas	...	do	do
Walter Chase	...	do	do
James M'Arthur	...	do	do
Philip Hodgkinson, Esquire	...	do	Malahide.
Gilbert Wrong	...	do	do
Dr. E. Daney	...	do	do
Dr. A. Williams	...	do	do
John Hodgkinson	...	do	do
Benjamin Plowman	...	do	do
A. G. M'Eown	...	do	do
Daniel Birdsall, Esquire	...	do	do
Winslow Hayward	...	do	do
J. Jones	...	do	do
C. G. A. Tozer	...	do	do
Peter Wooley	...	do	do
David Orr	...	do	do
Isaac Chambers	...	do	do
James Mills	...	do	do

Robert Thomson	...	do	do
Captain Backhouse	...	do	do
Captain J. Benner	...	do	do
Wm. Caseaden	...	do	do
Wm. Turrill	...	do	do
Moses Clayton	...	do	do
John Hankinson	...	do	do
Moses Trueman	...	do	do
James Orr	...	do	do
Andrew Moore	...	do	do
Jacob Laur	...	do	do
F. W. Wright	...	do	do
Arch. Miller, D. R. O.	...	do	Ekfrid.
John Miller	...	do	do
Christopher Cowed	...	do	do
Burgess Swisher	...	do	Southwold.
----- Swisher	...	do	do
John Wintimute	...	do	do
Dougald Campbell	...	do	do
Duncan Campbell	...	do	do
John Bostwick, junior	...	do	do
Richard D. Drake	...	do	do
Levi Fowler	...	do	do
William Kilday	...	do	do
Amos Barnes	...	do	do
Phineas Drake	...	do	do
John Partridge	...	do	do
Joseph Spittler	...	do	do
Philo Wood	...	do	do
John Meek	...	do	do
James Meek	...	do	do
William Meek	...	do	do
Thomas Meek	...	do	do
Thomas Williams	...	do	do
James Wade	...	do	do
James M'Queen	...	do	do
George Elliott	..	do	do
Elijah Mann	...	do	do
Abraham Mandeville	...	do	do

(165)

Edward Rogers	...	do	do
John Allworth	...	do	do
Simeon Nicoll	...	do	do
J. K. Woodward	...	do	do
Horace Holden	...	do	do
Andrew Welden	...	do	do
Colin Carr	...	do	do

John Spittler	...	do	do
Samuel Park	...	do	London.
Lawrence Laurason, Esq.	...	do	do
George Robson	...	do	do
Freeman Talbot	...	do	do
----- Siddall	...	do	do
----- Whitehorn	...	do	do
Hercules Burwell	...	do	do
Henry C. Becher	...	do	do
John Wilson	...	do	do
Andrew M'Cormick	...	do	do
W. K. Cornish, Esq.	...	do	do
John Salter, Esq.	...	do	do
William Horton, Esq.	...	do	do
James Givens, Esq.	...	do	do
John Harris, Esq.	...	do	do
J. B. Askin, Esq.	...	do	do
Walter Nixon, Esq.	...	do	do
John Geary, Esq.	...	do	do
John Talbot, Esq.	...	do	do
James Parkinson, Esq.	...	do	do
William Haskett	...	do	do
----- Burch	...	do	do
Hon. Thomas Talbot	...	do	Port Talbot.
Col. Mahlon Burwell	...	do	do
Ewin M'Kinley, Esq.	...	do	Aldboro.
George Munro	...	do	do
Wilson Mills, Esq.	...	do	Caradoc.
Thomas Nagles	...	do	do
Col. Craig	...	do	do
Joseph Seabrook	...	do	do
Edward Bateman	...	do	do
George Carruthers	...	do	do
D. E. Mills	...	do	do
Richard Neal	...	do	do
William F. Bullen	...	do	Delaware.
Isaac Brock Burwell	...	do	do
Simeon Bullen, Esq.	...	do	do
Peter Patrick	...	do	do
John Patrick	...	do	do
Richard Webb, Esq.	...	do	do
John Drake	...	do	do
Samuel Drake	...	do	do
Benj. Springer, Esq.	...	do	do
Charles Peacock	...	do	do
Joseph Cowley	...	do	do
John Woodhull	...	do	do
Josiah Woodhull	...	do	do

William Neal	...	do	Mosa.
William Hache, Esquire	...	do	do
Adam Hache	...	do	do
William Neal	...	do	do
Chas. M'Arthur	...	do	Lobo.
John M'Dougall, Esquire	...	do	do
Duncan Brown	...	do	do
John Brown	...	do	do
Duncan M'Call	...	do	do
George Barnes	...	do	do
Donald M'Dougal	...	do	do
Ira Allen	...	do	do
David Lynch	...	do	do
John Boulby	...	do	Adelaide.
John S. Buchanan, Esq.	...	do	do
Christopher Bar	...	do	do
R. W. Branan	...	do	do
Pat Mee	...	do	do
William Johnston	...	do	do
John C. Kays	...	do	do
John Lang	...	do	do
William Harkness	...	do	do
Robert Waugh	...	do	Lobo.
David Stonehouse	...	do	do
John M'Laughlin	...	do	do
Joshua Bobier	...	do	Durwich.
Duncan Campbell	...	do	do
John Clarke	...	do	do
D. J. Bowman	...	do	Yarmouth.
John White	...	do	do
Peter Mount	...	do	do
Samuel Eccles, Esquire	...	do	do
Robert Carruthers	...	do	Westminster.
George Whitehouse	...	do	do
Hugh Richardson, Poll Clerk	...	do	London.
Charles G. Bostwick	...	do	Dorchester.
----- Fullerton	...	do	do
James Moore	...	do	do
Amos Jeffrey	...	do	do
Andrew M'Gregor	...	do	do
Benjamin G. Wilson	...	do	Southwold.
Duncan M'Cormick	...	do	do
Truman Waters	...	do	do
James Blackwood	...	do	do
John Waddel	...	do	do
Jos. Silcox	...	do	do
Jesse Zavitz	...	do	do
Felix Fortier, C. C. C.	...	do	Montreal.
Col. Wm. Radcliff	...	do	Amherst Island.

----- Challoner, Dep. Ret.

Officer

...

do

Lobo.

Mr. Speaker then desired the Sergeant-at-Arms to lock the doors.

And the doors being locked accordingly, and the Order of the Day for taking the said Petition into consideration being read; the attestation of Mr. Speaker was taken from off the box, in which, agreeable to the statute, the names of all the Members of the House were sealed up, and the same was read by the Clerk, as follows:--

I attest, that this box was, on Wednesday, the fifteenth day of January, 1845, made up in my presence, in the manner directed by an Act passed in the fourth year of the Reign of His late Majesty King George the Fourth, intituled, "An Act to repeal an Act passed in the forty-fifth year of His late Majesty's Reign, intituled, 'An Act to regulate the Trial of Controverted Elections or Returns of Members to serve in the House of Assembly,' and to make more effectual provisions for such trials."

ALLAN N. MACNAB,
Speaker.

The box was then opened, and the attestation of the Clerk was taken out of the box, and read by him, as follows:--

I attest, that I did, on Wednesday, the fifteenth day of January, 1845, in presence of the Speaker of this House, put into a box in which this attestation is found, the names of all the Members composing the Legislative Assembly, written upon slips of parchment, and rolled up as directed by an Act passed in the fourth year of the Reign of His late Majesty King George the Fourth, intituled, "An Act to repeal an Act passed in the forty-fifth year of His late Majesty's Reign, intituled, 'An Act to regulate the Trial of Controverted Elections, or Returns of Members to serve in the House of Assembly,' and to make more effectual provision for such trials."

W. B. LINDSAY,
Clerk Assembly.

The names of all the Members were then taken out of the box, and put into three other boxes.

The drawing of the names were then proceeded in, in the usual manner, and the following names were drawn, to which no objection was taken:--

1 Morin,
2 Roblin,

3 Stewart, of PRESCOTT.
4 Gowan,

5 Desaunier,
 6 Seymour,
 7 Laurin,
 8 Scott,
 9 Jessup,
 10 Lacoste,
 11 Brooks,
 12 Colville,
 13 Macdonald, of KINGSTON.
 14 Taché,

15 Smith, of WENTWORTH.
 16 Attorney General Smith,
 17 Williams,
 18 Jobin,
 19 Macdonald, of CORNWALL.
 20 Drummond,
 21 Dickson,
 22 DeWitt,
 23 M'Connell,

(166)

Seventeen other names were drawn and set aside, or excused, as follows:--

Ten against whom Petitions are pending.

One who was excused.

Six names were also drawn of Members who were absent.

The Honourable Mr. Aylwin was chosen nominee for the Petitioner.

The Honourable Mr. Solicitor General Sherwood was chosen nominee for the Sitting Member.

At half past four o'clock, P. M., the parties, with Alfred Patrick, Esquire, Clerk to the Select Committee, retired for the purpose of striking the said Committee.

At a quarter to five o'clock, P. M., the Clerk to the Select Committee delivered to the Clerk of the House, a list containing the names of the nine Members unstruck, composing the Select Committee, which is as follows:--

1 Stewart, of PRESCOTT.
 2 Desaunier,
 3 Seymour,
 4 Lacoste,
 5 Macdonald, of KINGSTON.

6 Taché,
 7 Williams,
 8 Dickson,
 9 M'Connell,

Nominee for the Petitioner, the Honourable Mr. Aylwin.

Nominee for the Sitting Member, the Honourable Mr. Solicitor General Sherwood.

ALFRED PATRICK,
Clerk to Committee.

The said nine Members and the Nominees were then severally sworn at the table, by the Clerk, in the usual manner.

On motion of the Honourable Mr. Solicitor General Sherwood, seconded by the Honourable Mr. Aylwin,

Resolved, That the Committee appointed to try the merits of the Petition of William Notman of Dundas, in the Gore district, complaining of the undue election and return of Edward Ermatinger, Esquire, do meet in the Committee Room No. 5, to-morrow, at noon.

Lincoln North
Riding Election.

Mr. Lantier, Chairman of the Select Committee, appointed to try the merits of the Petition of Samuel Wood and others, electors of the North Riding of the county of Lincoln, district of Niagara, complaining of the undue election and return of William Hamilton Merritt, Esquire, for the said North Riding of the county of Lincoln, reported that the Committee met this morning at half-past nine o'clock, pursuant to adjournment, but were unable to proceed to business in consequence of the absence of the Honourable Mr. Papineau.

Resolved, That as the Honourable Mr. Papineau, absented himself in consequence of illness, he be excused, and that the said Committee have leave to proceed to business notwithstanding the absence of the said Honourable Mr. Papineau.

Petitions
brought up.

The following Petitions were severally brought up and laid on the table:--

By Mr. Prince, the Petition of Ralph Foster and others, of the township of Mersea, in the Western district.¹

Col. PRINCE brought up a petition from five hundred tobacco growers in the Western District, praying² for an increase of the duties upon Tobacco imported from the United States. He begged to observe that although he had presented so many petitions on this subject, he was himself, neither a smoker nor chewer. The hon. Attorney General might laugh, but perhaps he cared less for it than he did.³ The district in which he resided was extremely well adapted to the growth of tobacco, and the inhabitants largely employed in its growth.⁴ He trusted the Government would pause before it reduced the duty upon foreign Tobacco which he was given to understand was in contemplation, as such a measure would ruin the Agriculture of the Western District if it did not absolutely ruin those who were now engaged in the cultivation of Tobacco.⁵

(166)

By Mr. Taché, the Petition of the Reverend F. X. Delâgé and others, of the county of L'Islet.

By Mr. Scott, the Petition of Edward Pridham and others, of Grenville and other places, on the Ottawa river.

By Mr. Roblin, the Petition of James Porter and others, Boot and Shoemakers of the town of Picton, in the district of Prince Edward.

By Mr. Chalmers, the Petition of John Wetenhall and others, of the township of Nelson, in the district of Gore.

By Mr. Macdonell, of Dundas, the Petition of John White and others, lumberers, of the county of Dundas.

By the Honourable Mr. Moffat, the Petition of D. Davidson, for himself and others, Directors of the High School of Montreal; and the Petition of John Mathewson and others, Soap and Candle manufacturers, of the city of Montreal.

Petitions read. Pursuant to the Order of the Day, the following Petitions were read:--

Of L. Baribeau, and others, Pilots for the port of Montreal, and between Quebec and Montreal, praying that certain alterations in the law relative to the Trinity House at Montreal, petitioned for by that Corporation, may not be allowed.

Of John Paterson and others, of the village of Dundas, in the district of Gore, praying that the said village may be incorporated.

Of George Brown and others, of the townships of Trafalgar and Esquesing in the district of Gore, praying for the construction of a plank road from Bronté to Owen Sound on Lake Huron.

Of E. L'Espérance and others, of the city and parish of Montreal, and other places, praying that the Trustees of the Montreal and Chambly turnpike road may not be allowed the exclusive privilege petitioned for by them, in the ferry between Montreal and Longueuil.

Of Joseph R. Thompson and others, of the township of Brock, in the Home district, praying for the construction of a road from the township of Reach to the Narrows of Lake Simcoe.

Of Benjamin Matthewson and others, Lessees of the Clergy Reserves, in the township of Nelson, in the district of Gore, praying that the Clergy Lands occupied by them may be inspected and granted to them at a valuation.

Of the Reverend Edward Denroche and others, members of the united church of England and Ireland, in the town of Brockville, in the diocese of Toronto; and the Petition of the Reverend Robert Blakey and others,

members of the united church of England and Ireland, in the town of Prescott, and its vicinity, in the diocese of Toronto; praying for an address to Her Majesty, recommending the passing of an Act to assign to the said Church of England such proportion of the Clergy Reserve Lands as shall correspond with her share of the funds arising from the same; and to authorize the Church Society of the diocese of Toronto to propose a system for the future management of their portion of the said Lands.

Of Andrew Tod, of the city of Toronto, Land agent, in behalf of certain commuted pensioners, praying for an extension of the time within which pensioners may claim grants of land.

Of Thomas King and others, of the township of Edwardsburgh, in the district of Johnstown, praying for the establishment of the original survey of the eastern boundary line of that township.

(167)

Of J. H. Dorwin and others, of the township of Rawdon; praying for an increased duty on sawed lumber imported from the United States.

Of David Griffin and others, of the township of Bayham, in the district of London; praying that the said township may be annexed to the district of Brock in exchange for a part of Nissouri.

Of Charles Palmer and others, of the township of Blandford, in the district of Nicolet; praying for the repair of the road leading from the river Bécancour to the parish of Gentilly.

Of Henry Le Mesurier, Esquire, and others, of the city of Quebec; praying that the Custom-house in that city may be converted into a Marine hospital, and new accommodations furnished for the Custom-house.

Of John Arthurs and others, of the township of Adelaide, praying that the said township may not be divided, as petitioned for.

MR. MORIN moved that the Hon. D. B. Papineau be excused for not attending the Committee to try the merits of the contested election of Norfolk, on account of illness; and that the Committee be allowed to proceed notwithstanding.⁶

(167)

Norfolk Election. Resolved, That the Honourable Mr. Papineau be excused, for not having this day attended the Select Committee, on the subject matter of the controverted election of the county of Norfolk, on account of prolonged illness; and that the said Committee have leave to proceed to business, notwithstanding the absence of the said Honourable Mr. Papineau.

Municipal
Council Dis-
trict of Talbot.

Resolved, That the Petition of the Municipal Council of the district of Talbot, (relating to the limits of Walpole and other townships), be referred to a Select Committee, composed of Mr. Powell, Mr. Thompson, Mr. Merritt, Mr. Dickson and Mr. Cummings, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

F. L. Keys.

W. M. Wilson
and others.

Ordered, That the Petition of Flint L. Keys, of Simcoe, district of Talbot, M. D., and the Petition of William M. Wilson and others, inhabitants of the township of Woodhouse, in the district of Talbot, be referred to the Select Committee, to which was referred the Bill to revive and continue for a limited time, part of the fourth clause of an Act, passed in the fourth and fifth years of the reign of Her Majesty, Queen Victoria, intituled, "An Act to secure to, and confer upon certain inhabitants of this Province, the civil and political rights of natural born British subjects."

S. Valois and
others.

Ordered, That the Petition of Simon Valois and others, of that part of the parish of Montreal, commonly called Hochelaga, be referred to the Special Committee, to which was referred the Petition of the Mayor, Aldermen, and citizens of the city of Montreal, (relating to the Ordinances, incorporating the said city), and other references.

J. Smith.

Ordered, That the Petition of John Smith, of Enniskillen, in the Western district, be referred to the Special Committee, to which was referred the Bill to extend the provisions of the thirteenth section of an Act of the Province of Canada, intituled, "An Act for the disposal of Public Lands," and to enable persons who located lands prior to the fourth April, 1837, to perfect their titles to the same.

Private Bills.

The Honourable Mr. Morin, from the Standing Committee on Private Bills, presented to the House the fourth Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee have carefully examined the Bill to incorporate the Right Reverend George Jehosaphat, Lord Bishop of Montreal, and divers others, as a Charitable Association for providing fuel to the poor and destitute in the winter season, and would beg to suggest the following amendments:--

Clause 1.--Expunge "one thousand pounds" and insert "five hundred pounds."

After Clause 6, insert "Clause A.--And be it enacted, that the said Corporation shall be bound to transmit yearly, to each of the three branches of the Legislature, during the first fifteen days of the Session thereof, a detailed account of their revenues and expenditure, showing also the nature and extent of the immoveable property possessed by them, and the revenue derivable therefrom."

Your Committee have also gone through the Bill to incorporate the members of the Quebec Library Association, clause by clause, and have agreed to the following amendments:--

Clause 3, lines 5, 24, and 39.--Expunge "first" and insert "second," in each of these lines respectively.

Clause 3, line 35.--Before "Secretary" insert "one."

Clause 3, line 36.--Before "Treasurer" insert "one."

Clause 4, line 27.--Expunge "first" and insert "second,"

After Clause 6, insert "Clause A.--And be it enacted, that nothing herein contained shall have the effect of rendering all or any of the said several hereinbefore mentioned, or all or any of the members of the said Corporation, or any person whatsoever, individually liable or accountable for or by reason of the said Corporation, or for or on account or in respect of any matter or thing whatsoever relating to the said Corporation."

"Clause B.--And be it enacted, that the said Corporation shall be bound to transmit yearly, to each of the three branches of the Legislature, during the first fifteen days of the Session thereof, a detailed account of their revenues and expenditure, shewing also the nature and extent of the immoveable property possessed by them, and the revenue derivable therefrom."

MR. AYLWIN moved, that so much of the Report of the Committee on private Bills as related to the Quebec Library Association be taken into consideration on Monday next.⁷

(167)

Resolved, That that part of the said Report, which relates to the Bill to incorporate the members of the Quebec Library Association, be committed to a Committee of the whole House, on Monday next.

Rev. J. Paquin and others.

Mr. Scott, from the Select Committee, to which was referred the Petition of the Reverend J. Paquin and others, of the parish of St. Eustache, presented to the House the report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee after having read the Order of Reference, the Petition of the Reverend Jacques Paquin and others, and having taken communication of His Excellency, the Governor General's Message, dated the 10th January, 1845, conveying an estimate of the damage done to the Church, Convent and Presbytery, and other buildings, made by the Surveyor of the Commissioners of Indemnification, appointed under the Ordinance of the 1st Victoria, cap. 7, and of an estimation in detail of the said buildings, church ornaments, and furniture, which statement appears to have been made by the parties under oath, amounting in all to the sum

(168)

of £6830 5s. 6d. It appears that the sum of £4933 14s. 6d. was the amount at which was estimated the immovable property, and the sum of £1896 11s. being for church ornaments and other furniture, your Committee have found that the estimate of the Surveyor to the Commissioners' exceeded that of the Petitioners in the amount of £690 19s. 7d.

Your Committee afterwards proceeded to hear the Reverend Jacques Paquin and several other witnesses, and after mature deliberation are unanimously of opinion that an indemnification should be granted to the Fabrique of St. Eustache, in order to assist the said Fabrique in rebuilding their Church, Presbytery, and Convent.

Ordered, That the said Report be referred to a Committee of the whole House, on Monday next.

On motion of Mr. Prince, seconded by Mr. Duggan,

Halton con-
tested Election.

Ordered, That the Order of the House of yesterday, "That the Clerk of the Crown in Chancery do transmit, to the Chairman of the Commissioners appointed to take the examination of the witnesses in the matter of the contested election for the county of West Halton, a certified copy of the different poll books in his possession of the last election for the said county; and that the Commissioners appointed to take the same examination be permitted to receive the same in evidence, in lieu of the original poll books," be rescinded, and that the Clerk of the Crown in Chancery do transmit forthwith to the chairman of the said Committee the original poll books, and all documents and papers in his possession connected with or relating to the said contested election.

DR. DUNLOP,⁸ seconded by MR. LAWRASON, moved for a committee to enquire into all matters connected with the Chambly Canal⁹. ((He)) said that on a previous evening when he had given notice of this motion, he had been grossly insulted by an hon. member opposite; he had called upon him for an explanation, and that gentleman had very fairly and candidly stated that he had not alluded to him (Dr. D.) personally; with this explanation he was perfectly satisfied; and if he had upon that occasion done anything unbecoming a gentleman, he

could only say that he was sorry for it.¹⁰

DR. NELSON stated, that he had been upon the commission, appointed to enquire into the means for improving the River Richelieu and there were many reasons which had prevented the success of the canal as a mercantile speculation: among the principal was, that there are many obstructions on a part of the river below the canal which had not been removed; he had also heard, that the tolls had been made very high for the purpose of diverting the trade which would otherwise go through the canal to the line of St. Johns and Railroad; he hoped that would also be inquired into.¹¹

MR. AYLWIN remarked that the motion which had been made by the hon. member for Huron, was a most important one, and particularly to the city of Quebec, whose commercial prosperity was more particularly concerned in it. Therefore he was surprised to see in the Committee named not one member connected with the commerce of Quebec. He hoped that an alteration would be made in the Committee, and that, at least, a preponderance would be given to the district of Quebec. Although happy to see the prosperity of Montreal, which he hoped would increase ten fold, year by year, yet when the interests of Quebec were brought into collision with those of Montreal, he felt bound to give the preference to the former.¹²

COL. PRINCE was satisfied that as his hon. friend from Huron had none but the best of motives in bringing forward the motion, so he would be happy to make any alteration in the committee which would tend to a full investigation of the subject.¹³

DR. DUNLOP said that he concurred in what had fallen from Col. Prince; he had no intention of picking a Committee, nor had he ever known until now that there was any rivalry between the Cities of Quebec and Montreal, or that they had different interests, he had always thought that the Merchants of Quebec were the juniors partners or Agents of those of Montreal (hear, hear).¹⁴

MR. MOFFATT ((said a few words))¹⁵.

(168)

Chambly Canal.

Resolved, That a Special Committee, of seven Members, be appointed to enquire into all matters and things connected with the management and collection of dues on the Chambly Canal, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered, That Mr. Dunlop, the Honourable Mr. Moffatt, the Honourable Mr. Aylwin, Mr. Chauveau, Mr. Greive, Mr. Hale, and Mr. Scott, do compose the said Committee.

On motion of Mr. Lantier, seconded by Mr. Rousseau,

Board of
Education.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause the proper officer to lay before this House, copy of the Statistical Report of the Superintendent of the Board of Education for the year 1843.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House, as are of the Honourable the Executive Council of this Province.

Petition of
R. G. Belleau
and others.

Ordered, That two hundred copies of the Petition of R. G. Belleau and others, inhabitants and tenants in the county of Quebec, praying for amendments in the Ordinance relating to the turnpike roads in the neighbourhood of Quebec, be printed in each of the English and French languages, for the use of the Members of this House.

Clergymen
voting at
Elections.

Ordered, That Mr. Laurin have leave to bring in a Bill to repeal so much of the Act therein mentioned as prevents clergymen from voting at elections of Members of the Legislative Assembly.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Thursday next.

On motion of Mr. Jobin, seconded by Mr. Lacoste,

Turnpike Road
from Longueuil
to Chambly.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause the proper officer to lay before this House, within the shortest delay possible, detailed accounts of all sums of money expended and received by the trustees of the turnpike road from Longueuil to Chambly, by virtue of the Ordinance of the Special Council, passed in the fourth year of Her Majesty's reign, chapter sixteen; and also detailed statements of all transactions of the said trustees by virtue of the same authority, since the commencement of their trust.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

Montreal
Election.

The Order of the Day for taking into consideration a motion made on the thirteenth day of December last, viz.:—"That the grounds and reasons of complaint set forth in the Petition of Peter Dunn and others, who have complained to this House of the undue election and return of the Honourable George Moffatt and the Honourable Charles Clément Sabrevois De Bleury, as Members to serve for the city of Montreal in this present Parliament, if such grounds and reasons be true, are sufficient to make void the election of the said Honourable George Moffatt and Charles Clément Sabrevois De Bleury;" and the motion of amendment of the Honourable Mr. Solicitor General Sherwood, viz.:—"That all the words after 'That' in the said motion be struck out and the following substituted, 'the Order of the Day for taking into consideration the Petition of Peter Dunn and others, against the return of the Sitting Members of the city of Montreal, the said Petition and all proceedings had thereon be discharged;'" and also the motion of Mr. Macdonald, of Kingston, "That the further consideration of this question be adjourned until Saturday, the eleventh day of January next," being read,

Mr. Gowan moved, in amendment to the motion of amendment of the Honourable Mr. Solicitor General Sherwood, seconded by Mr. Greive, "That all the words after 'That' in the said motion be expunged, and the following substituted, 'by the twenty-seventh clause of the Imperial Statute (3d and 4th of Victoria, chapter 35,) it is declared, that until provision shall be otherwise made by an Act or Acts of the Legislature of the Province of Canada, all the proceedings relating to the trial of controverted elections, and the proceedings incident thereto, at the time of the passing of that Act, were in force in the Province of Lower Canada, shall be applied to all cases of controverted elections in that part of this Province formerly called Lower Canada; and it appearing to this House that it has been the Parliamentary practice of the Legislature of the late Province of Lower Canada, that in cases of Petitions complaining of the undue election and return of Members to the Assembly of the said Province, that the Petitioners should represent themselves to have been freeholders and electors at the time the election complained of occurred; and also that the oaths required by law to be taken by such Petitioners should be set forth at length, and apart from the certificate of the Justice who administered the same, in neither of which particulars have the Petitioners (Peter Dunn and others,) complaining of the undue election and return of the Honourable

(169)

George Moffatt and the Honourable C. C. S. DeBleury, for the city of Montreal, complied with the Parliamentary law and practice of the said late Province of Lower Canada, that therefore the Order of this House for taking the Petition of the said Peter Dunn and others into consideration, be discharged."

*Debates arose,*¹⁶

MR. AYLWIN rose on the point of order.¹⁷ ((He)) wished to know if an amended motion could be still further amended, especially as it was just the same in its bearing as that of the Solicitor General, with the only difference, that Mr. Gowan's was argumentative, and consequently unparliamentary, whereas the Solicitor General's was not.¹⁸

MR. ((HENRY)) SHERWOOD said, that the last amendment was not argumentative but simply declaratory of the law. It had been contended on the last evening of discussion that such was not the practice of the House and this amendment says it is, while his (Mr. S.'s) resolution was simply to discharge the Petition.¹⁹

MR. AYLWIN.--And therefore it is argumentative.²⁰

MR. GOWAN.--To me argument is not unparliamentary--(a laugh.)²¹

We understood the speaker ((SIR ALLAN MACNAB)) to express an opinion in favour of the regularity of the amendment.²²

MR. AYLWIN - If it be not ((argumentative)), then perhaps the learned Solicitor General will enlighten the House by telling what it was. It would be wise if some explanation were offered, in order to get rid of the difficulty.²³ ((He)) was of opinion that in the trial of elections, it was not proper to enter into a more extended detail than was used in the discussion arising out of a Royal Speech (no, no). If that was not admitted,²⁴ they would place themselves before the people of the other colonies, and of the neighboring Republic, in a most extraordinary position.²⁵ The House was now sitting in a judicial capacity.²⁶ But if Mr. Gowan would adopt his suggestion and wished to put it in a better shape, he would then prevent any person from speaking two, three, or even four times on the motion²⁷, ((and)) all would be well. What was the amendment but a repetition of the preceding motion? It was only a repetition²⁸.

MR. GOWAN rose to order²⁹.

((MR. AYLWIN proceeded:)) for the two amendments were the same, and what they both meant was that the House should not enter into the merits of the question. The second differed from the first simply in this, that it assigned reasons.³⁰ Could the House adopt that proposition; manifestly not³¹. Look at the confusion this would make. Of those who desire to vote for the rejection of the petition, the reason assigned by Mr. Gowan may not satisfy all. It neither adds nor takes away from the vote for the Solicitor General's amendment but it limits the ground for it while it is substantially the same. The only difference between them is that the one states two reasons for the same conclusion while

the other according to parliamentary practice assigns none at all.³² He took it that those hon. gentlemen who were acquainted with parliamentary proceedings would at once agree that the same steps should be taken on this motion as on the discussion of the address in answer to the Speech from the Throne, and any other would place them in a most extraordinary position before the eyes of³³ the Province and in the eyes of³⁴ our republican neighbors.³⁵

A laugh from DR. DUNLOP.³⁶

((MR. AYLWIN replied:)) The hon. member for Huron thinks little of our neighbours.³⁷

DR. DUNLOP--I do-- (Laughter.)³⁸

Well! he ((MR. AYLWIN)) thought very highly of them on the contrary, so there was a difference of opinion.³⁹--They have their eyes upon us.⁴⁰

Immense laughter from all sides of the House, and cries of "They have."⁴¹

MR. GOWAN could not conceive that the discussion of the Royal speech should form any criterion for the discussion of this measure. It was well known that the address was sometimes decided on in half an hour, sometimes there was no discussion on it, no amendments were moved.⁴²

MR. AYLWIN said that the hon. member for Leeds did not understand his argument.⁴³

MR. JOHNSTON rose to order amid great laughter. He protested against hon. members "jawing" all night.⁴⁴ He gave his opponents notice also that he did not mean to be trifled with, informing them from his seat that "if they had any difference to settle with him, let them do so at the earliest hour to-morrow morning!"⁴⁵

The Speaker ((SIR ALLAN MACNAB)) called the hon. gentleman to order, he should confine himself to that point which Mr. Aylwin was out of order.⁴⁶

MR. GOWAN ... proceeded. If there was any one question which was entitled to their calm, distinct, and deliberate consideration, it was this--a question most intimately connected with the privileges of the House itself. He recollected a similar question in which Mr. Aylwin complained that the House did not enter fully into it⁴⁷.

The Speaker ((SIR ALLAN MACNAB)) and MR. JOHNSTON both spoke to order at the same time amid much laughter⁴⁸.

MR. JOHNSTON rose again to order.⁴⁹

The Speaker ((SIR ALLAN MACNAB)) requested Mr. Gowan to speak directly to the question.⁵⁰

MR. GOWAN--Well, it was very plain that every member should desire to have as much information as possible on this subject. He had referred to the documents of Lower Canada for his, and would wish that each hon. member should have them before him. If there were a rule on the subject, which he did not think, he hoped it would not be adhered to with as much nicety as Mr. Aylwin seemed to wish.⁵¹

The Solicitor General ((MR. HENRY SHERWOOD)) read May's practice so far as it regarded the question and from it proved that it was perfectly competent for the House to make an amendment to make it more perfect.⁵²

MR. AYLWIN read the two amendments, to see if there were any difference between them. It was true Solicitor General Sherwood's was more brief. His was that the order may be discharged. What then was the difference? Simply this, that the Solicitor General's amendment contained no reason why it should be discharged. Mr. Gowan's did. How then, he would ask, would it be allowed that he should renew the discussion directly on the same question, and when the grounds are identically the same? This question was agreed before, and would it not be trifling with the House, to allow an hon. member to come in with a side wind and renew discussion on it again? It was manifestly so, and the member for Leeds should feel it.⁵³

((SIR ALLAN MACNAB)) gave it as his opinion that Mr. Gowan's amendment was in order. It appeared to him that it was a duty to make the amendment as perfect as possible before it was moved on the main question. If this amendment could not be entertained it was for the House to decide against it, and not for the Speaker to suppress it.⁵⁴

MR. GOWAN was rising to speak to the question, when he was interrupted by Mr. Aylwin⁵⁵.

((MR. AYLWIN said)) he would move an amendment.⁵⁶

Cries of "Move" "Move."⁵⁷

((MR. GOWAN:)) "You asked for the Speaker's decision yourself."⁵⁸

MR. AYLWIN - no: the Speaker did not decide it, he gave his opinion.⁵⁹

"Move" "Move."⁶⁰

((MR. AYLWIN)) ... finally declared he would not move.⁶¹

MR. GOWAN entered upon his amendment.--Whatever little bickerings there might have been on the point of order, he wished that the House would apply itself to the main question in a calm and proper spirit, undisturbed by any appeals to party feeling on either side.⁶²

Hear, from both sides of the House.⁶³

((MR. GOWAN continued:)) He was glad to hear those cheers, and he hoped they would decide that question as persons sitting in a judicial capacity ought to decide, and not be biassed by party spirit. The duty they had to discharge was one of great importance,⁶⁴ not merely to the petitioners but⁶⁵ as regarded the privileges of the House and the whole population of Lower Canada. There were two propositions contained in the amendment which he had moved. The first was that the form of the petition was contrary to the Act of Union; the 2d that it was contrary to the law and practice of Lower Canada. The Act of Union, it was fully admitted, enacted that whatever had been the practice⁶⁶--

MR. AYLWIN, "no, no, the law".⁶⁷

((MR. GOWAN resumed:)) Well as the matter was disputed, he would read the Statute. The hon. gentleman here read from S. 21, of the Act of Union which provides that all the laws at the time of passing the Act, with certain exceptions as stated, in force in Lower Canada "relating to the trial of contested elections and the proceedings incident thereto," should continue in force until others were enacted by the United Legislature.⁶⁸

MR. AYLWIN denied that "proceedings" were "practice."⁶⁹

MR. GOWAN.--What could the practice of the House be but its proceedings? Whatever was the practice or proceedings constituted the law until others were declared. That had been decided in the case of Portneuf. He would take it for granted that whatever was in practice at that time remained in force, and⁷⁰ it would, therefore, be his (Mr. Gowan's) business to show what the practice had always been; and he hoped, if gentlemen opposite could show that the practice had been favorable to their views, that they would take the members on his (Mr. Gowan's) side of the House along with them on the division; if on the other hand, he could establish his point, he should claim to take the gentlemen from the other side along with him.⁷¹ He had taken the trouble to look over the whole of the Journals of the Parliament of Lower Canada and had classed all the precedents he found. There were twenty-three cases in which Petitions had been treated on the merits and rejected by the House.⁷²

((MR. LAFONTAINE requested that such Petitions be cited specifically.))⁷³

The list was read ((by MR. GOWAN)) with the pages of the Journals in which they were to be found. In all these cases the petitions were declared to be within the forms of the House, and were tried on their merits; and if the hon. gentleman opposite could lay his finger on any one in which the petitioners did not declare that they were freeholders or electors at the time when the election of which they complained took place, and in which the affidavits did not set forth the oaths taken by them at full length,⁷⁴ and apart from the petition⁷⁵, let him produce it, and it will be an authority here; he would hand him the list that he might search for himself. He had also another class of cases, those in which the petitions were rejected on the merits by the House; of these there were six and in all these he was unable to discover the cause of their rejection though he had applied himself very carefully to the task. These were six in number.⁷⁶ As he had said, he could not ascertain the grounds of the rejection in those cases, but he now came to a class of petitions which had been rejected⁷⁷ as he now proposed this to be, for defective forms.--⁷⁸ The first he would mention, was that of the petition against the return for the county of Bedford, and would be found in the 34th vol. of the reports, page 68.⁷⁹ The motion for the rejection of this was of the same nature as Mr. Sherwood's now. It stood in the books of the House without reason assigned and he was anxious that it should not happen again and that it should not be necessary again to search for precedents in such a case. It appeared by a report of the Quebec Gazette of January 22, 1825 that this petition was dismissed on the ground of the necessary recognizances not having been put in.⁸⁰ The next case was that of the petition against the return for the County of Buckingham⁸¹. He could get no accurate account ((of the case.))⁸² After several postponements, it was at length decided by the House "that the petition of certain persons styling themselves electors of the County of Buckingham should be discharged."⁸³ The House might pursue the enquiry if it pleased.⁸⁴ The next case ... that of the York petition in 1805, on which occasion Mr. Mondelett was petitioned against⁸⁵, he called their attention to as important. The petition contained most serious charges, but it was dismissed because the date at which the petitioners subscribed it was not set down, though every date and particular as to the actual occurrence of the facts complained of was given.⁸⁶ It was moved "that the said petition contains a sufficient matter for the House to proceed upon," but an amendment to the motion was carried, to this effect, "That all the words after the petition be struck out and the following words inserted: without dates or signatures be discharged." The last of these cases was that of the petition against the return of Edward O'Harney, Esq., for the County of Gaspé⁸⁷ in 1792.⁸⁸ In that case William Walker moved "that the matter contained in the said petition against the return of Edward O'Harney, Esq., was sufficient for the House to proceed upon. And an amendment was carried, to strike out all the words after Edward O'Harney, Esq." - and to insert the following - "without dates to the signatures be rejected." That amendment was carried. The hon. gentleman said, that he had cited these instances⁸⁹ that he might not be accused

of taking any merely technical or frivolous objections, without going into the merits, and⁹⁰ to show, that in cases much less important than the one now before the House, not as to merits, but as to the forms necessary to be observed, - the Legislature of Lower Canada had held the objections sufficient to invalidate the petitions, what was there to invalidate the petitions which he had cited, except the omission of a mere act of form in the signature.⁹¹ Yet that was held to be a valid objection.⁹² He might be aware that he might perhaps be met with precedents which were perhaps newer, and if so, all he asked was that they should be produced.⁹³ He was quite aware of the fact⁹⁴ that in 1829 an Act had been passed⁹⁵ which entirely altered the law of controverted elections,⁹⁶—(hear)⁹⁷, but he had cited these examples, in order to give the House the whole of the information which he had been able to collect on the subject, from the earliest times which Canada had possessed a Parliament; so that he might place the whole subject in its fair and just light. He would now come to those cases which had occurred since the passing of the act of 1829.⁹⁸ He now requested particular attention to what he was about to state, to prove it, he had brought with him not merely the Journals of the House, but the original petitions and affidavits on which the proceedings were instituted so that any member might examine them for himself. The first election he should refer to was that for Kamouraska, which occurred in 1831. The parties were Cosgrave and Dionne, and here are the whole of the documents. (The honorable gentleman produced a rather bulky parcel which occasioned some amusement.) If the honorable gentlemen opposite will examine them they will find that all the affidavits are set out at full length, and set out on separate sheets of paper apart from the certificate of the Magistrate, and all the petitioners have sworn that they are electors who were qualified to vote at the time the election took place and for some days before it⁹⁹, and thus had fully complied with all the requirements of the statute.¹⁰⁰ (Hear, hear.)¹⁰¹ It was that point which he wanted to bring before the House, that the parliament of Lower Canada had always required and insisted, that these rules should be observed.¹⁰² It was important to show that these matters of form had been rigidly observed and here was the proof. The next case was one of a County well known, not only in Lower Canada but even beyond it, in Upper Canada, that of Rimouski. (Great laughter.) Here also are the original documents with the petition and certificate, not as in the case of Peter Dunn and others that the Magistrate had administered an oath, but the oaths themselves were set out and a certificate given that those had been administered; and as in the other case, the petitioners allege that they were electors at the time of election. The third case was that of the City of Montreal in 1832, when Mr. O. Berthelot was a candidate. Here are the proceedings, and the hon. gentleman may refer to them if he likes. Here are the affidavits set forth at full length and the certificate follows that they were sworn properly, and the parties swore that they were and had been fully qualified to vote in the way they describe; chapter and verse given for every thing according to the statute. The next instance occurred in the year 1836, the case Stanstead, the petitioner Marcus Child, and

the gentleman in charge of it the honorable and learned member for Terrebonne, Mr. Lafontaine. If the gentleman who had charge of the petition of Peter Dunn and others, had consulted him,¹⁰³ his recollection he was sure would have been too vivid to allow him to forget the manner in which he had prepared the petition and affidavits of Marcus Child.¹⁰⁴ Here the oaths were given at length apart from the certificate, and the same allegation as to qualification at the time of election.¹⁰⁵ Then again there was the petition of Messrs. Donnellau and Walker in 1835, against the return for the East Ward of Montreal, which was presented by Mr. Gagy, in that case also the affidavits were given at full length, but there was an informality which prevented it from being received; he had alluded to this case on a former occasion, and had read from the Quebec Gazette the sentiments of the hon. member for Terrebonne, which it would appear, that he had declined to enter into the discussion of the subject, because the parties had made their affidavits under an old statute. He would here remark, that, on a former evening, the hon. member for the Fourth Riding of York had remarked, that the affidavits had been made under a repealed statute, which was, according to that learned gentleman, no statute at all. Now the custom in Lower Canada in repealing statutes, was somewhat different from that which prevailed in Upper Canada and in England. It had been the custom when any clause in a statute was found to require alteration, to enact another law upon the same subject, without repealing the one which had formerly existed; this was the case in the instance now before the House, and the petitioners took their oaths under an older statute than they ought to have done. That was the ground of objection upon which the petition was rejected. He would again read the remarks of the hon. member for Terrebonne on the occasion. They were thus reported: "Mr. Lafontaine, without going into the merits of the petition, would remark that there were certain formalities which had not been observed, the want of which must prove fatal to the petition. Mr. Lafontaine then entered into lengthy details respecting these legal formalities, and said that the parties had not taken the oaths prescribed under the Act of Wm. 4, chap. 28, but those under an older statute." The hon. member then adverted to the petition on the Megantic election in 1835, and to that on the Quebec election in 1836; in both ((of)) which cases the petitioners had sworn that they were electors at the time of the election taking place.¹⁰⁶ Here are all the affidavits and allegations as before.... If as the hon. gentleman (Mr. Aylwin) had stated, the last precedent was the best precedent, ... the case of the city of Quebec, ought to govern us.... Here are the proceedings: the hon. gentleman may examine them; they relate to his own city. Here are the affidavits at full length; the certificate of the magistrate follows; and they swear that they were qualified to vote at the time the election took place, against which they petition. He had now honestly laid before the House all the information he had been able to procure, and if hon. gentlemen on the other side could find any instance of different practice, let them honestly bring it forward, and then they on this side would be prepared

to go with them, and sustain the petition. What did the certificate state in this case? Did it say that the petitioners had taken the oaths required by law? It did not. Did it specify any particular oath they had taken? It did not. There were five or six oaths required to be taken, but if the certificate were interpreted strictly, it would appear that but one oath had been taken¹⁰⁷ for he says - "the oath required by law" - not the oaths. Could any one tell which oath that was. The act provided "that the due qualification of the said ten electors signing a petition, in which complaint is made of any undue election, shall be sworn according to the provisions of the act 48, Geo. 3, cap. 29." That act again provided, that the qualifications of the parties should be ascertained, "by the oath of such electors, before one Justice of the Peace, which oath such justice is empowered to administer in the same form, and under the same penalties as are provided for in the 16th sec. of the act of the Provincial Legislature, in the 5th year of His Majesty's reign; "and (sic) that the certificate of such oath having been administered, under the hand and seal of the justice of the peace, should be affixed to such petition before it could be received by the Assembly of ((the)) Province. The 16th sec. of the 5th Geo. 3, enacted, "that any person claiming to have a right to vote at an election, should take one or more of the oaths following, numbered 1, 2, 3, 4, 5;" that is to say, if he claim as a freeholder, he would have to take the oaths numbered 1, 2, 3; if as a proprietor, those numbered 1, 2, 4; or if as a tenant those numbered 1, 2, 5. Now the magistrate in this case has administered an oath, but was it the oath required of freeholders, or the oath required of proprietors, or the oath which must be taken by tenants? The law required that the due qualification of the parties should be proved - not by the certificate of the magistrate, but by the oath of the people themselves, (Cries of no, no, Yes! yes!) "shall be ascertained by the oath of such electors." The 4th sec. of the same act provided "that all persons who offered themselves as sureties for cost," in any case of a controverted election, should justify their sufficiency before the judge of the court of Queen's Bench, which certificate, under the hand and seal of the said judge, shall be affixed to the petition before it can be received by the Assembly of the Province." Now in this case, the same words which were used in the previous section to enact the oath to be taken by electors, and the certificate to be given by the magistrate, were here used with reference to the recognizance; but he would ask - was it not intended by the Legislature that the recognizances should be sent to the House¹⁰⁸ and not kept by the Magistrate¹⁰⁹? How would it be possible to forfeit recognizances, unless they had possession of them? If the magistrate were to lose possession of the recognizances, what recourse would the sitting members have, in case the petition was decided to be frivolous? They might have recourse against the magistrate, no doubt, but the security - the very essence of the recognizance, would be gone.¹¹⁰ All the documents ought to be within the keeping and controul of the House, and their own officers were the proper persons to receive them.¹¹¹ He contended that nothing short of the very letter of the law would

bear the House out in a decision that the magistrate could administer any oath he might think fit. The practice of Lower Canada, as he had shown, had always been to affix the affidavits of the ten petitioners to the petition, set forth in full length; without which indeed, there could be no affidavit at all.¹¹² He had been able to find no case in which this rule was dispensed with; if any could be found let it be produced; nor had he found any in which the Petitioners had not sworn that they were freeholders and electors at the time of the election. Persons had no right to come there and complain unless they were wronged of some Parliamentary right possessed by them at the time of the election, and it was not sufficient merely to allege that they were electors only at the date of the Petition.¹¹³ But if any gentleman could show that the practice had not been so, it would convince him (Mr. Gowan); & he hoped if they did so, they would carry with them the votes of his side of the House; but if not, he hoped that the hon. members opposite would be prepared to support the practice which had always hitherto prevailed. It was the duty of every man in the House to ferret out what that practice had been, and, having done so, to abide by it¹¹⁴, and for his part he had done his best to do so, and had laid the result fairly before them¹¹⁵. In conclusion, he would say, that he had not taken the course he had done at the solicitation of either of the hon. sitting members, who, he was quite sure, were the last men in the world to wish to suppress this enquiry;¹¹⁶ there were none more anxious than they that the merits of the petition should be gone into, and to show that they were in no way connected with the practices alleged against them in the petition, and that if it were possible that any thing of the kind had taken place, it was the work of violent partisans unknown to them. It was not at their urging or entreaty that he had taken the part he had in this question; nor with the view of avoiding inquiry, but because¹¹⁷ in searching through the documents which he had just laid before the House, he was forced to the conclusion that the petition was so informal, in such essential particulars, that it could not be received by that House, with a regard to the duty they owed to the people of the Province at large, and especially to the constituency who had sent the two hon. gentlemen to Parliament, who were now petitioned against.¹¹⁸ ((If)) the practice was ((not)) as he had stated it, ... he admitted that the hon. gentleman opposite (Mr. Aylwin,) might fairly claim his support.¹¹⁹

MR. LAFONTAINE (having spoken at some length in French) said, in compliance with a wish that had been expressed by gentlemen not familiar with the French language, he would repeat in English the principal points of his argument. The Member for Leeds had cited a number of precedents from the practice of Lower Canada, which, from their dates, could have no application to the present case. The Statute passed in 1808 did not require, as the Hon. Solicitor General had stated it did, that the recognizances should set forth that they were freeholders, neither was it then necessary for the petitioners to describe themselves as electors at the time of the election, but merely that they were electors. The Statute passed in 1829 required that the qualification of the electors

who signed the petition should be ascertained by oath, before a Justice of the Peace, a certificate whereof was to be attached to the petition; it did not require the oath to be annexed, but the certificate; in the case before the House those requirements had been fulfilled.¹²⁰ They must bear in mind that the oaths taken by the Returning Officer were exactly similar to those taken by the Justice of ((the)) Peace. The law imposes on him, that when he is called on to administer the oaths at the Poll, they must be reduced into writing.¹²¹ The case of the petition against the return of Mr. Papineau for the West Ward of Montreal, in 1835,¹²² in which he (Mr. Lafontaine) took some part¹²³ ((and)) which had been cited by the Member for Leeds, was not a case in point; in that instance the oaths administered were not according to the Statute then in force, but a previous one, which had been superseded. Nor was this the only objection against that petition; the name of one of the petitioners had been written upon the margin, it was, therefore, not signed according to law; there were also other objections which he could not at this time recollect. He had been called upon by the Hon. Member opposite to prove a negative; he hoped, before he had done, he should have proved something better, and he would have been able to have given that House abundance of proof if he had been able to obtain access to those papers which the Hon. Member for Leeds had appropriated.¹²⁴

MR. GOWAN explained to the hon. gentleman, that Mr. Aylwin had seen the papers when they came up from Quebec, there was no concealment. They were open on the table.¹²⁵

MR. LAFONTAINE did not attach any blame to the hon. member.¹²⁶ ((He)) had applied for them, and he was not told that they were in the possession of the Member for Leeds, but that they were no where to be found. He would call the attention of the House to the contested election for the East Ward of Montreal in 1832, when¹²⁷ one of the very members who is now protested against, was concerned in that election - that was one coincidence. But there was another. If the motion made in December last with regard to this election, was then decided; no person could say how it was decided. It was exactly the same in 1842. The House decided that the petition should be received, 39 in favor of it, and 12 against.¹²⁸ The certificate attached to that petition was identical with that appended to the one before the House; the petition in itself was not so perfect, for the whole of the names of the petitioners were not upon it.¹²⁹

MR. DEBLEURY.--The oath recites the Statute.¹³⁰

MR. LAFONTAINE.--So does this. (No! No!)¹³¹

MR. GOWAN.--That petition was abandoned. (No! No!)¹³²

MR. LAFONTAINE. - No, it was not abandoned.¹³³

SOLICITOR GENERAL ((HENRY)) SHERWOOD. - Yes it was.¹³⁴

MR. LAFONTAINE. - How could that be? Commissioners were appointed to investigate that petition, and could that be done unless the petition was received? It was a subsequent action.¹³⁵

MR. GOWAN did not interrupt the hon. gentleman for the sake of interruption. But from some expression in the Journals - the meaning of which he did not understand - he concluded¹³⁶ the petition of Mr. De Bleury, to which he was alluding,¹³⁷ was abandoned. No proceedings were had on it.¹³⁸

MR. AYLWIN. - Read the extract from the Journals.¹³⁹ It was received.¹⁴⁰

MR. GOWAN admitted that the petition was received on that occasion. So was this, (No, No.)¹⁴¹

MR. LAFONTAINE continued.--By this petition which had been received by the Assembly of Lower Canada, and upon which action had been taken, he had shown that it was not the practice to append the oath, but the certificate. He conceived that he had by this proved more than a negative. New precedents must have greater weight than old ones such as had been recited by the Hon. Member for Leeds, some of which went back to 1792-3. He would call the attention of the House to the petition of the contested election for St. Maurice¹⁴² in which the petitioner was Colonel Gagy, one of the most celebrated Barristers in Canada.¹⁴³ That petition had been received, and its merits gone into,¹⁴⁴ but afterwards rejected by the House¹⁴⁵, and yet as to formalities it was a counterpart of the one before the House. What further evidence was requisite to show that under the law and practice of Lower Canada it was not necessary¹⁴⁶ to reduce to writing the oaths taken before a Justice of the Peace ¹⁴⁷ and to set it forth in the certificate, or attach it to the petition?¹⁴⁸ That might be done, but the law did not require more than the certificate of the Magistrate.¹⁴⁹ Had a petition come before the House with the oaths in writing, but without the certificate, it would not be received.¹⁵⁰

MR. GOWAN.--True!¹⁵¹

((MR. LAFONTAINE continued:)) As that was the case, all those precedents shewing that they were reduced to writing were of no effect, and when the Magistrate's certificate was annexed, the law was fulfilled.¹⁵² It was the absence of the oath from others which had been received which proved that the oath was not required.¹⁵³ He admitted that in certain cases the oaths were in writing, and he had shown that a petition very similar to this was received by the House. He knew that it was of great importance that this one should not be received, for in that case the petition against Mr. Daly's election must fall to the ground. The Petition against the return of the member for Megantic, who he believed was a particular friend of Mr. Gowan's, (hear, hear,)¹⁵⁴ which had been prepared by a late member of that House well versed in the Parliamentary law and practice of Lower Canada,¹⁵⁵ was drawn up in the same terms as this, and could not therefore be received if this were not.¹⁵⁶

MR. GOWAN.--That petition has not come before the House, and cannot be taken as a precedent.¹⁵⁷

MR. LAFONTAINE was aware of that, but if the amendment ruled in the present case that petition would fall to the ground too.¹⁵⁸ He showed that there was no necessity for reducing the oaths to writing; nor even to insert the names in the certificate, and when the objection was taken it was not allowed.¹⁵⁹ The motion of the Member for Leeds attempted to establish for the future certain precedents, which were, as he had shown, built on a false foundation. One of the grounds of the proposed rejection of this petition, as enumerated, was because the oaths had not been set forth at full length, according to the practice of Lower Canada. By the precedents of the Montreal petition, confirmed by a vote of 39 to 22, and the still later one of St. Maurice, he (Mr. Lafontaine) had established that such was not the practice; and therefore the theory of that amendment was false upon the very face. Another principle involved in it was that the petitioners should set forth not only that they were electors, but had been such at the time of the election.¹⁶⁰ The law required no such particularity.¹⁶¹ The Statute of 1808 required only that the petition should be signed by ten electors, while that of 1829 required that a certificate of their qualification to petition should be annexed. That had been done. The certificate set forth that the petitioners had taken the oath, according to Statute, and that was all that was necessary. In all the cases which had been cited--in those of Rimouski, Kamouraska, the case of 1832, and that of Donnellan and Walker¹⁶², in the contested election of 1832, for the West Ward, referred to by Mr. Gowan¹⁶³--in these four petitions, the petitioners did not set forth that they were Electors at the time of the Election¹⁶⁴. Even the petition of Colonel Gagy does not state it; but still you are bound to conclude they were, as the certificate showed that the oaths required by law were taken.¹⁶⁵ What other proof could be necessary to show that such was not the law nor practice of Lower Canada? The two positions taken by the Hon. Member for Leeds, were very ingenious, but they were¹⁶⁶ groundless. All the precedents brought forward appealed directly against his propositions which were quite groundless¹⁶⁷, for the law required the certificate, and not the oath; and did not require the petitioners to set forth that they were electors at the time of the election. Having thus shown that the objections against the certificate being unaccompanied by the oaths, were negatived by the practice of Lower Canada, and supported by a vote of the Legislature, and that the other objection was still more opposed to the practice of Lower Canada, which the Statute set forth should govern such cases, and had been never complied with, he would conclude.¹⁶⁸

MR. AYLWIN said the spectacle which that House presented was a most extraordinary one; a petition had been presented by ten Electors of the City of Montreal,¹⁶⁹ in which they made the most extraordinary charges. That the elections were carried by brute force. - That the highest military officer in the country, nay, more, one who was thought worthy of the

confidence and fellowship of the Governor General¹⁷⁰ the officer commanding her Majesty's forces, had voted at that election, although at that time in command;¹⁷¹ that a high military officer acted as a partizan on that occasion, and acted most unwarrantably¹⁷²; that Cavalry, Artillery, and Infantry had been called out to assist in coercing the electors; that officers of the Government had taken a conspicuous part in these acts; and that barricades had been erected at the polling places to prevent the free access of voters.¹⁷³ And that it was by these foul means the present members for Montreal are in their seats.¹⁷⁴ These were statements which were not frequently made, and had they been made to the British House of Commons, they would have claimed the¹⁷⁵ most serious¹⁷⁶ attention of every Member, for in England they were not accustomed to the interference of the military, but, on the contrary, upon the day of an Election, the troops were moved from the town or city; but here, it would seem, we were so situated that their presence was required. (Hear! hear!) In order to do justice to the petitioners and to the sitting Members, it was necessary that that petition should be heard; but what did they find? --not that they had to examine into the truth of certain allegations, but that it was necessary to debate two, perhaps three or four nights upon the questions more important than the Elective franchise. And what were those questions?--whether the petitioners, who were electors at the signing of the petition, were so at the time of the election, six weeks before: (hear!)¹⁷⁷ That is, that this most difficult and obtruse (sic) question, whether they were electors six weeks before, that is at the time of the election, must be resolved by an anxious investigation. But this was only secondary to another of very great importance indeed, raised by the honorable member for Leeds¹⁷⁸ whether the certificate of their being electors was a certificate which that House could entertain, and whether the petition should not be at once thrown aside upon the supposition that some of the petitioners were not electors? The practice of Lower Canada had been, that if the sitting Member entertained any doubt of the qualification of the petitioners, he came to the House with a petition setting forth the fact, and asking an opportunity to prove it, and in the event of the objection being sustained, the petition was discharged. Who, of the Members of that House would have refused such an application, if it had been made in the present instance.¹⁷⁹ What was more easy, than for the parties themselves to bring up Mr. Dunn and the other petitioners, if they doubted their qualification, and enquire whether they are or are not qualified. Surely it would not be so difficult; they must be well known in Montreal. But no, that would settle the point too easily. The question really at issue is, whether the certificate of the magistrate is one that we will receive or throw aside, because, by some accident, it did not say the petitioners were qualified. Let the hon. gentlemen who doubted their qualification make a motion to bring them to the bar, and there question them. Not the slightest objection would be made to that. Instead, however, of doing that, this fine drawn, wiry distinction is made, were they electors at the time at which the election took place. He would ask those hon. gentlemen who had electioneering

experience in Upper and Lower Canada if they ever heard of such symonism in these matters.¹⁸⁰ He would ask them if they had ever heard Counsel come to the Bar with objections such as these.¹⁸¹ The petition was received without urging them. Why did not some hon. gentleman then make his objections; that was the proper time to oppose the petition.¹⁸² Yet after the petition had been solemnly received, the Hon. Members on the other side, who were to be the judges in this case, had got up, and although not in the position of Counsel, made objections which Counsel would not have made; such conduct was not Parliamentary, it never occurred before in any legislative body.¹⁸³ Why, he repeated, did they not object to the receipt of the petition when it was read, if they saw the necessity of being so strict as to examine every petition and every affidavit to seek for precedents. But no: They gave their assent to its being received, and the very same men now start these objections.¹⁸⁴ Let them take the common sense view of the matter--was it right or fair that those who were judges should take such objections, after they had allowed it to be joined? If it were warrantable, then¹⁸⁵ the House would be warrantable in sending for witnesses all the way to Gaspé, if that were necessary, to explain some part of the proceedings essential to coming to a right understanding. But was this measure of proceeding right?¹⁸⁶ Who had ever heard of a Judge interfering in legal proceedings with objections of a formal character like these? This was a matter of the greatest importance, of importance not only to the city of Montreal, but to the country at large; the allegations of that petition, if true, affected not only the seats of two Members, but the rights and liberties of the whole Province. And if, by objections such as had been started, that House was to be prevented from going into the merits of the petition, then had the Union Bill better be destroyed (hear, hear, and uproar), then would it be better that the Legislature should be dissolved; then had we better get rid of that mace, as Cromwell had done (cheers and uproar) and cease to enact the farce of Legislation (Loud cheers).¹⁸⁷ The hon. member for Leeds argued like a lawyer, but he was playing with edged tools, and there was some danger he would hurt himself, as he was not accustomed to them.¹⁸⁸

MR. GOWAN "I admit that" (hear, hear.)¹⁸⁹

((MR. AYLWIN continued:)) His arguments were merely two or three sophisms, if the hon. member would excuse the term. He read the statute¹⁹⁰ which provided that all points relative to contested elections for Lower Canada which were not provided for, were to be governed by the precedents of Lower Canada. The Hon. Member for Leeds had read it after his fashion, but he had not given very great proofs of his legal proficiency¹⁹¹. He (Mr. Aylwin) would read it in a legal manner, and begged the hon. gentleman to mark the difference.¹⁹²

Hear from MR. GOWAN.¹⁹³

((MR. AYLWIN resumed:)) And if gentlemen who cried "hear" had studied

law as long as he had, he would be very happy to be enlightened on dark points by their long experience. From the manner in which he read it, it was very apparent the hon. member's construction could not be borne out. The fact was, that he did not know the meaning of precedent.¹⁹⁴

Hear from MR. GOWAN.¹⁹⁵

((MR. AYLWIN:)) At the conclusion there was this sentence, and these are all the laws. But the hon. gentleman had read these are all the precedents.¹⁹⁶

MR. GOWAN, No, no, all the proceedings.¹⁹⁷

MR. AYLWIN - what! All the laws, agreeing to the proceedings. The thing was ridiculous. It was the laws that were continued in force, not the proceedings. (Hear, hear, and laughter.) He must learn to read statutes properly, before he attempted to expound them. (Hear, hear.) He introduced also into the statute a different word from any that was there in reality, perhaps from a similarity of sound, and said all the precedents instead of all the proceedings. But even if it were all the precedents, he denied that they were binding.¹⁹⁸ How could precedents be continued? Precedents changed with the times¹⁹⁹. How often have the courts of law changed their precedents? That which was made a precedent by one judge was changed by another, and then that became a precedent.²⁰⁰ The decisions of Judges, upon points of law which were precedents, altered so often that it was necessary to publish books to explain them; and was that House to be told that its rules were like the laws of the Medes and Persians, which alter not, neither are they changed? He could not well understand how precedents could continue in force in Lower Canada, when the laws were frequently altered three and four times in a Session. Precedents might be established by bad men in corrupt times, when the control of the Legislature was in the hands of one or two men; and it was never contemplated when that Statute was passed that such precedents should be their arbitrary governors.²⁰¹ Who would enter on the performance of his duty if he were to be trammelled thus?²⁰² For himself, he repudiated such an idea; he would never submit to have his decision bound by an ignorant or corrupt precedent. He would refer the Honorable Gentleman to the first principles of the law of Canada, which was that--"Legibus non exemplis judicandum est."²⁰³ We must decide every thing according to law, not according to precedents.²⁰⁴ The Honorable Gentleman had spoken²⁰⁵ of precedents knowingly, and seemed to have an extraordinary idea that there must be a precedent in order to come at a decision. On the contrary he (Mr. Aylwin)²⁰⁶, if he understood any thing of them,²⁰⁷ thought that there must be a decision before you form a precedent.²⁰⁸ And it was upon the former that the latter was founded. Now the Member for Leeds had taken an immense deal of trouble with those dusty papers which had been brought up from Quebec, and had given an elaborate list of all elections which appeared

to bear out his argument, and probably all this parade might have some effect upon some minds; but why had he not, instead of thirty or forty, brought forward three or four hundred?--if he had gone through all the books, then, indeed, some new light might have been thrown upon the matter.²⁰⁹ It was well, however, that he took all this trouble, it was precedents that they wanted, and he would ask the hon. gentleman to produce a single one in which the same questions were made as in this.²¹⁰ It was necessary, if any precedent were brought forward, that it should be one in which the same point had been mooted as in the present case, and decided; such would have been a valuable precedent. But in not one of the many cases which he had cited had a similar point been mooted or decided upon, in no solitary case had a decision been come to in the Legislature of Lower Canada which bore upon the points now before the House; and, therefore, what the Member for Leeds had called precedents were no precedents. The question was still a question of forms, it was still unsupported; it had not as yet been decided, there were as yet no precedents which could be taken to support the arguments of the Hon. Member.²¹¹ He was still more unfortunate in not having read his precedents through. He (Mr. Aylwin) had, but could not find in one of them, any statement that the petitioners were electors at the time of the election.²¹² On the contrary, the form which was used in the petition before the House was that which had been used in the greater part of the cases which had been cited; ... and, therefore, the objections on that ground had no weight at all; and the very circumstance of those forms having been used, and no objection having been made to them, precluded the possibility of a precedent being adduced; what then was the use of forms if there had been no precedent. In courts of Law the forms which had been in use from year to year, although not in conformity with the strict letter of the law, were held good, until an objection was taken, then if the Judges decided that the forms were not correct, those in conformity with the law were reverted to, and a precedent was established; and to this was owing the form of action called assumpsit; upon the present occasion forms were contested, and if borne out by the House, a precedent could be established.²¹³ In short ... ((the precedent petitions)) were in the very same terms as this.²¹⁴

MR. GOWAN - The affidavits are there.²¹⁵

MR. AYLWIN was coming to them in a moment, and he would shew that the member for Leeds did not understand the meaning of affidavit, (hear hear)²¹⁶. Although the diligence of the Hon. Member had in the present case been of little use, it might in the end be productive of some good consequences. The petition for the contested election of the East Ward of Montreal brought up upon the 28th of Nov. 1832, three years before its constitution was taken from Canada, was a good precedent, if the certificate attracted (sic) the petition in that case, and in the one now before the House were compared, it would be found that they were identical.²¹⁷

MR. GOWAN.--That petition was abandoned.²¹⁸

MR. AYLWIN - No, it was received and acted upon.²¹⁹

MR. GOWAN - So is this.²²⁰

MR. AYLWIN continued.--That petition was received, it was acted upon, the merits of the case were gone into, although no decision was come to upon it. That petition was, indeed, a precedent; it was one from Montreal in 1832, it could now be applied to the case of 1845.²²¹ On coming to the certificate he found the name of C. Sabrevois DeBleury, who was the petitioner in 1832; now in 1845 he is petitioned against. There was his own form of petitioning, drawn up in the same terms as this one before the House. He would not object to that form, but he found friends in the House who went further than he did, and continued his own form. (Hear, hear.) And in the certificate there were these words; that the said C. Sabrevois DeBleury took the oaths made and provided.²²²

MR. GOWAN - What oaths were made and provided?²²³ I read the certificate; it recites the Act of Parliament and the Chapter.²²⁴

MR. AYLWIN continued.--Don't cry before you are out of the wood, I have got you there, and will devour you; there were no oaths attached, but the affidavit of the Magistrate said that they were made in conformity with the Statute in such cases made and provided; could it be questioned what Statute was meant?--²²⁵ If the hon. gentleman were for trial under a penal statute for stealing £50 he would find out what made and provided signified, (hear, hear.) If his legal studies were a little more advanced, he would find out that it is untechnical to say more than made and provided.²²⁶ Why, that was the proper manner to refer to the Statute.... It would tax his ingenuity to shew the difference between the cases. If the Hon. Member had examined the documents he had produced, even as superficially as he (Mr. Aylwin) had done, he would have found a great diversity of forms used.²²⁷ One in particular, a sort of mixture, half certificate, half affidavit, in the contested election for the County of Stanstead. The person who wrote it began in the form of an affidavit, "You so and so do solemnly swear." - Others were so badly spelt that it was scarcely possible to know what it meant, but no objection was ever taken on this account.²²⁸ The form of the petition of Rimouski was different, and in that from the Lower Town of Quebec each individual made his affidavit at full length; here then were three different forms, and yet no precedent. Where was the advantage of these dusty papers, when no application of any of these forms could be made to the question now before the House. The petition of Donellan and Walker was in its forms identical with the present petition, that petition had been drawn up by the late Mr. Walker, a gentleman whom every one who had the pleasure of his acquaintance would know to have been deeply versed in the laws of Lower Canada, and one of the most distinguished Members of the Bar of Montreal, and therefore not likely to have drawn up his petition incorrectly; the certificate was drawn up by Mr. Cuvillier,

the late Speaker of that House, a gentleman second to none in his knowledge of the Parliamentary law and practice of Lower Canada, and yet that certificate did not rehearse the particular oaths which had been taken. If it had been considered necessary to enquire into the forms used in Lower Canada what would have been easier than to have appealed to some of the Honorable Gentlemen on both sides of him; to his friend Mr. Christie, who had the honor of being expelled five times from the House, or to other Members whom he saw around him? But the Member for Leeds, who knew little of the language and less of the laws of Lower Canada, came to that House and told those gentlemen that he understood these things better than they did.²²⁹ It was a pity the hon. member had not left the difficulty in the hands of one of his learned friends of great philological attainments, who would at once have explained all errors from fifty grammarians and one hundred lexicographers.²³⁰ Every one of the petitions to which he referred had been received and these were the precedents of Lower Canada. And as he had before said, and as the Member for Leeds would find on reference to the Journals of the House when the sitting Member desired to raise a collateral issue upon the demerits of any petition against his return, it had been the custom in Lower Canada for him to present a petition to the House of Assembly setting forth the grounds of objection, which, if supported by evidence, was sufficient to quash it. The Honorable Gentleman had deplored that in some cases he had been unable to find upon the Journals of the House the reason why certain petitions had been abandoned; if he had researched further into other records he would have discovered these reasons; for instance, there was the rejection of the petition upon the contested election for Buckingham, where the qualification of three or four electors was doubted, and the Surveyor General and the Deputy Surveyor General were sent down to the locality, and it was discovered that two of the petitioners were not qualified. This information, and other information relative to the custom of the Parliament of Lower Canada, the Hon. Member might have received from old Members of that Parliament; they were living records, and all statements made in the House were assumed to be true, and proceedings adapted thereon. If any Member from Lower Canada had been ignorant of Upper Canada practice, he would have appealed to the Speaker for information; and who were better qualified to judge of the forms of Lower Canada than those Hon. Members to whom he had referred. He believed that he had shown, to the satisfaction of the House, that it was not necessary that the petitioners should set forth that they were electors at the time of the election. The Hon. Member for Leeds had put an extraordinary construction upon the Statute to which he had previously referred; he had confounded the meaning of the words oath and affidavit; an affidavit was an oath in writing, and an oath was a form of words to which the party making it asserted. Now the Statute said nothing of an affidavit, but it did say that an oath was required; and if it were necessary, as had been argued, that the oath should be in writing appended to the petition, where was the necessity of the certificate of that oath; all that the law required was, that a certificate should be given that the oath had been administered. He next came to the nice splitting of

a hair on the letter S. It was argued that that House should shut the doors of Justice against the petitioners because of the omission of that unfortunate letter. In the forms of the petitions which he had had occasion to allude to before there were some words misspelt and some omitted, and yet it was not thought necessary to reject them on those grounds; and yet, on account of the omission of this letter, the petition was to be thrown aside. The law made use of the word oath and not oaths; why then should they seek to go beyond the law and require that the certificate should say more than it did. Supposing that the S had been there, this objection might have been made, the law only says oath, but the certificate says oaths, it is probable that illegal oaths have been taken, or oaths prescribed by some other statute. In the Law Courts of England, of late years, forms had been discouraged, even in criminal cases. Those legal niceties,²³¹ so much in request in the days of Solomon, are not thought of now in the days of Lord Durham²³², and yet in Canada, in a case where every other requirement of the law had been fulfilled, a petition which contained a statement of outrages such as were seldom heard of was to be quashed²³³. Was the House to be above the law, were they wiser than the law? - Would it not be preposterous to turn round and tell Mr. Peter Dunn, and the other petitioners, Gentlemen, we cannot do justice, we must shut the door on you for want of an S.²³⁴ He trusted that those gentlemen upon the opposite side who had taken a part, would refrain from voting upon this occasion, as the special pleading, which they had made use of, was altogether inconsistent with their judicial capacity. He was sorry that so much time had been consumed upon the discussion of a form which ought not to have taken ten minutes, an objection so absurd that it was fit only to have been made use of by some fraudulent debtor or miserable culprit, between whom and the gallows there was nothing but such wretched subtleties.²³⁵

MR. ((J. A.)) MACDONALD (Kingston), said, in the arguments of the Member for Quebec, he had detected nothing which could in the least affect the ground taken by the Member for Leeds. Since the law regulating the manner of controverted elections for Lower Canada had been passed, it was found that ((in)) every petition, with the exception of that of 1832,²³⁶ for the east ward of Montreal, ... the oaths required by law had been sworn before the magistrates, and certified by those officers; and that the oaths set out at full length had been affixed to the petition. The petition to which he referred as an exception, had been abandoned;²³⁷ the fact of its not having done so was no precedent, for it was not unreasonable to suppose that it might have been forsaken for that very cause.²³⁸ It was just in the same position as the petition which had been put in against his hon. friend, the member for Cornwall, which had afterwards been withdrawn, and of course no precedent could be drawn from anything which belonged to it, because no decision had been arrived at²³⁹, ((and)) it might have contained some fatal informality, which if the Committee had been struck, might have been urged against it, as now

urged against the petition before the House.... The Hon. Members from Terrebonne and Quebec, had maintained that at this stage of proceeding, it was too late to object; that the objection ought to have been made when the petition was brought up for reception. Such was not the case; that House was bound to receive every petition offered to it, that was couched in respectful language; it did not take into account whether it was legal in form or not;²⁴⁰ the matter of the petition might be false, it might be covered with imperfections, but so long as the petition was in the form required by the house, the house was bound to receive it.²⁴¹ Such was the practice of the British Parliament, and in cases such as that before the House it was established that objections could be taken to a petition at any time. In the case²⁴² cited by Mr. Baldwin some time previously, of the trial of a petition against the return for Montgomery,²⁴³ in a matter almost identical with that now in dispute, Sir William Follett had been sustained in his objections,²⁴⁴ against its informality ... after the petition had been received, after the committee had been struck, and even after the committee had chosen its chairman.²⁴⁵ The Hon. Member for Quebec finding the precedents which had been adduced by the Member for Leeds as bearing upon the case under consideration, had attempted to diminish their value, by saying that no member of that House was bound by an ignorant or corrupt decision of the House, which might take place when it was under the control of one or two individuals; but surely such an argument could not be pretended to apply to the whole proceedings of the Legislature upon Election matters, from 1819 upwards. When the first discussion upon an election petition this session took place, the Hon. Member for Quebec had said that Parliamentary Practice was Parliamentary Laws. (Hear! hear!)²⁴⁶ But he (Mr. McDonald) would wish him to recollect a former discussion in that house, in which the rule had been clearly laid down both by himself (Mr. Aylwin) and his friend from the fourth riding of York, who had both of them stated that the custom of parliament was its law.²⁴⁷ Now the whole Parliamentary practice of Lower Canada since the passing of the Law of 1829 had been uniform with the course which it was contended ought to have been adopted with respect to the petition now before the House, with the solitary exception of the petition of 1832,²⁴⁸ which had been abandoned, and against which objections might have been raised at any time prior to the passing of the final vote. The Hon. Member for Quebec, stated that it was not necessary that the petitioners should set forth that they were electors at the time of the election; and that British statutes did not require it. Granted. But in British practice it was necessary that if not in the petition, such showing should be in the affidavit; and if it was not found in one place, it was sure to be stated in another. In the petition of Peter Dunn and others, it appeared nowhere. The late Attorney General for Canada West had stated upon a previous occasion, that the policy of the law was in restraint of election petitions, and hedged round the sitting members with forms, that nothing could be taken for granted that did not appear upon the face of the petition; but in this case the House was called on to presume everything in favor of the petitioners, and everything against the²⁴⁹ claims

of the sitting members.²⁵⁰ There were three oaths required to be taken, and²⁵¹ the house was to presume that the petitioners had taken three oaths, because the magistrate had certified that they had taken one²⁵². The recognizances were bound to be freeholders,²⁵³ ((and the House was to presume they were.))²⁵⁴ Could the petitioners then be surprised, if not having fulfilled (sic) the requirements of the law, that House refused to entertain their prayer? ... If the petitioners had not claimed justice according to the law, the fault lay with them, and not with the House,²⁵⁵ for they had had plenty of time between the election and the opening of parliament to see that everything was put into proper order, and, therefore, the house would do a positive injustice, not so much to the sitting members, because they were willing to go into the merits of the case, as to the constituency who had sent them to the house; and it would be making a breach in the law, if these persons, who came there to claim justice, did not have it administered in a legal manner²⁵⁶, what he termed the "legal lore" of the Hon. Member for Leeds,²⁵⁷ especially that part of his remarks which referred to the form of the certificate - he actually crowed over the words "under the statute in that case made and provided,"²⁵⁸ but in despite of that criticism, the statements which Mr. Gowan had made, and the interpretation which he had put upon the law, had been fully borne out by the Parliamentary practice of Lower Canada. The Hon. Member for Quebec had argued that the setting forth of the certificate appended to the Montreal petition, that the oath in the statute in such cases made and provided, had been administered, was sufficient. Now it so happened that there was a fatal objection to that, for the statute which enabled the Magistrate to administer the oaths, was not²⁵⁹ the statute which prescribed the oaths that were to be taken²⁶⁰, but a subsequent one; and therefore the omission of the recitation of the statute was an insurmountable error.²⁶¹ The Act which gave the magistrate his authority, was enacted in the 9th year of Geo. IV., but the statute which was "made and provided" in the case of the oaths, was one of a much earlier date.²⁶² Was this House to be called upon to assume that the Magistrate²⁶³, this Mr. Laframboise, who probably was no lawyer, was nevertheless infallible, and so well acquainted with all the statutes that he was competent to decide what oath was, and what was not, according to any particular law. He had a case in point with reference to this particular matter, and he would mention it, although it was a little anticipating the business of the next evening upon the Megantic petition.²⁶⁴ In the case of the petition of the Hon. D. Daly for Megantic the Magistrate²⁶⁵ asserted that he had administered the wrong oath, or rather that he had not administered the right one; and probably, if the gentleman who drew up the certificate in this case, had put it in the same form as in the Megantic petition, and had specified the wrong statute as had been done there, the magistrate would have been just as ready to sign it, as he had been to sign the certificate which stated the oath to be the one prescribed by the statute in that case made and provided."²⁶⁶ Mr. Aylwin had affected to laugh at the precedents which had been adduced; but the Hon. Member for Terrebonne had felt their full force, and²⁶⁷ had not taken the ground assumed by the member for Quebec. He had not said that the cases cited were not precedents,

but had exerted himself to oppose them, by citing the cases of the East Ward of Montreal, and another one which had taken place during the first session of the Parliament of United Canada; but that gentleman should recollect, that one swallow does not make a summer, and neither does one case establish a precedent. - With regard to the example afforded by the petition against the East Ward of Montreal,²⁶⁸ as he had before stated as no objection had been made thereto, and it had been abandoned before any final decision was come to upon it, it was no precedent at all.²⁶⁹ As to the other, it appeared to have been passed through the house sub silentio, and therefore could have no power to overthrow precedents which had been long previously established. It was a series of decisions, not a single example passed without remark, which established a rule.²⁷⁰ He was a young Member, and not so much accustomed to speaking as some who had gone before him, and therefore, he would conclude with three objections against the reception of the petition. -²⁷¹ Firstly, that it did not state that the petitioners were electors at the time of the election; secondly, that from what appeared on the face of the document, there was nothing to show that the parties had taken the proper oaths; thirdly, that it did not appear that the parties who had signed the recognizances had the proper qualification, that of being freeholders.²⁷² It mattered not how wealthy they might be, if they were not Freeholders, they were not qualified. In the certificate appended to the petition of Mr. Turcotte, which had been before that House, and which certificate was signed by the same Chief Justice as the present, the qualification of the recognizances as Freeholders had been set forth, and, if they were qualified, the certificate to the present petition should have shown it too.²⁷³

MR. ((G.)) MACDONELL (Dundas), said, that upon the occasion when this subject had been before under discussion, he had declared that he would vote against the friends with whom he usually acted, and he now rose to redeem that pledge. A great deal had been said about precedents, and the Hon. Member for Leeds had shown a great deal of industry and untiring perseverance in collecting the authorities which he had laid before the House²⁷⁴. But notwithstanding all that had been said, he must - and he was sorry for it, - but he must vote against his hon. friend. The arguments of that hon. gentleman would have been all very well, if there had been no statutes to resort to for²⁷⁵ then it would have been well to have looked into precedents.²⁷⁶

Cheers from the Opposition.²⁷⁷

((MR. GEORGE MACDONELL continued:)) For there would be no other guide;²⁷⁸ but when there was a late statute expressly upon the subject, it was the bounden duty of the house to act in strict accordance with its provisions.²⁷⁹ (Cheers.)²⁸⁰ He liked precedents very well, and was willing to bow to them in every court; but²⁸¹ at the same time he must say that²⁸² he too often found that parliamentary precedents were introduced and carried out, and over-ruled, merely as it might suit the interests of parties²⁸³, and it would frequently be better that they

were altogether expunged from the Journals.²⁸⁴ He would, therefore, recur to the statute; and he did not find therein any clause which required that parties who petitioned should declare that they were electors at the time of the election, - it was sufficient if they described themselves as electors.²⁸⁵ In his humble judgment, the petitioners ... had fulfilled all that the law required of them. The next point disputed was, whether the certificate was in accordance with the Statute; he considered that it was, because it set forth that the oaths had been administered according to the law in such cases made and provided; the Magistrate having certified this,²⁸⁶ under his hand and seal,²⁸⁷ he had done all that was necessary, and it could not be said that he had not fulfilled the law. The Magistrate had been left the judge of what was necessary; it would have been easy for the law to have required of him that he should transmit the affidavit with the certificate, but as it had not done so, it could not now be required²⁸⁸, and the house had a right to assume that he had not left out any essential part of his duty. He thought it would be unjust if they did not do so. For these reasons he felt himself obliged to vote against his friends on this occasion; he would be extremely sorry to do so under any circumstances; but, when he remembered the scenes of violence and bloodshed which had taken place in this city; when he reflected, that by his vote he might be the means of keeping up an excitement which might again lead to fatal results; - when he reflected upon this, he must say, that he gave his vote with extreme hesitation, and with a reluctance which nothing else could overcome, except his conscientious feeling of what was due from him in the judicial capacity which he was called upon to assume.²⁸⁹

Loud cheers from the Opposition.²⁹⁰

MR. ((ROLLAND)) MACDONALD (Cornwall) had intended to give a silent vote upon the occasion; but when he considered the importance of the question at issue and especially when he heard the remarks of one whom he had so long and so highly esteemed, he could not consent to do so.²⁹¹ He differed with the Honorable Gentleman who last addressed the House, and who he had been proud to call his friend, now for the first time; and when he reflected upon this, it almost deprived him of language with which to express his ideas, and matter upon which to speak. (Oh! Oh!) He regretted to have heard him greeted with those cheers from the opposite side of the House; he hoped he should never hear him so greeted again; those cheers would be withering to him, and it would be long indeed before he was entitled to a cheer from this side. For himself, he would rather receive one solitary cheer from this side, than be hailed with thunders of applause from the other.²⁹²

Loud cheers from the Ministerial side²⁹³.

Cries of "Question! Question!" and great uproar from the Opposition.²⁹⁴

((MR. R. MACDONALD continued:)) The Hon. Member who introduced the amendment before the House had anticipated that it would have finally agreed to an almost unanimous vote; but he (Mr. M'D.) had told him he was mistaken, and if he had any doubt upon his mind, those cheers would convince him that the question was about to be decided upon party principles. (Cheers and uproar.)²⁹⁵

MR. MORIN - "And carried too."²⁹⁶

MR. ((R.)) MACDONALD continued. - He was satisfied that no matter what had been the arguments used, no matter who addressed the House, that the result would have been the same. He would not attempt to convince gentlemen on the other side, but he wished to satisfy his constituents that he had voted upon correct principles. He would try and avoid the ground which had been travelled over before, and so ably commented upon, by both sides of the House; and what he did state he would try to do in a novel manner. Before he approached the question at issue, he would state that he doubted the policy of the amendment. (oh! oh!) Yes! Hon. gentlemen might make the most of the admission, he was doubtful of the policy of the amendment. He felt that the gentlemen on the opposite side would rejoice to see that amendment carried, because they know that the allegations contained in the petition were false, and could not be maintained. He believed that they wished to see that amendment carried, because then they would be saved from the failure of the petition, and would be able to say that we were afraid to go into its merits; and thus they will be able to make political capital out of it. But when he was called upon in his judicial capacity to decide on this question, he would dare to give an honest vote, he would endeavour to act as a Judge trying a cause in which the Defendant moved for a nonsuit, upon particular grounds; if he refused it when the objections were made out, he would be a disgrace to the seat he filled - being situated in the same way, he would endeavour to act as a Judge would. He was well aware that motions for nonsuits were not looked on very favourably in Courts of Law, and this question might not be very favourably regarded, but he did not desire that evanescent popularity which was too often won without merit, and lost without a crime; but he trusted that if he ever gained any, it would be based on better grounds from doing that which was right, and the duty which every Hon. gentleman owed to himself and to his constituency. He considered that it was more just to give effect to the objections against the petition if good in point of law, than to refuse to do so. He believed the principal objection was perfectly good, the Petitioners had not set forth that they were electors at the time of the election, they had therefore no right to complain; he thought sufficient weight had not been placed upon the fact that a petition against the return of the Hon. Member for Leeds had been withdrawn for amendment, by Mr. Baldwin, on account of its containing a precisely similar error; if the objection was good in one case, it was good in the other. With regard to the oaths, the attestation was not correct; the Magistrate, Mr. Laframboise, might²⁹⁷ probably²⁹⁸ be a very good sort of man, and might suppose that he had taken the oaths according

to law;²⁹⁹ but the house would require something more than his certificate, before it would consider that the evidence as to the oaths being taken, was conclusive.³⁰⁰ He would not look upon this question as a party question, whatever others might do, and when the case ((arose)) of the petition against the return of Dr. Rousseau, Jean Jacques Rousseau, he would vote in the same manner. When he (Mr. M'D.) had been elected, he had stated to his constituents that, when the majority had withdrawn the confidence which they placed in him, he would retire³⁰¹. He trusted that what he was doing would meet with the approbation of his constituents; but if it did not, he should be ready to resign his seat whenever a requisition from them called upon him to do so³⁰², as his Hon. friend Mr. Moffatt, had done before.³⁰³

MR. WILLIAMS said, that at the time when this matter first came before the house, he had been free to confess that in his opinion the requirements of the law had been satisfied. At the same time³⁰⁴ he had no knowledge of the matter at issue, and, therefore, was anxious for a delay to inform himself, that his mind might be fully made up before he voted.³⁰⁵ He certainly would have been better pleased if some case precisely in point had been adduced,³⁰⁶ in which a similar objection had been made, debated, and determined;³⁰⁷ and then there would have been no doubt upon the mind of any man in the house; but, that had not been done, and how then was he to form his judgment? In this way - by looking at the practice³⁰⁸ of Lower Canada³⁰⁹ which had prevailed upon former occasions, not at any single case, but at the preponderating evidence of the mode which had always been pursued, when he had done so, he came to this conclusion,³¹⁰ it appeared by authentic documents that, since the year 1829, eight or nine petitions had been presented to the House³¹¹ against election returns, and upon all those occasions the oaths had been set forth in words at length; and as there was an important reason why they should be so set forth, he came to the conclusion that the house ought to maintain that rule, and he should accordingly vote for the amendment.³¹² (Cheers!)³¹³

MR. ROBLIN felt that this occasion was an important one and he must say, that in his opinion the hon. member for Leeds had entirely failed in shewing one case in point; because he had not shown one, in which a petition was rejected for a similar informality. The hon. gentleman then alluded to the remarks of the hon. member for Cornwall, who, he said, would without doubt, be extremely happy in the good opinion of the inhabitants of the large and flourishing Town of Cornwall, but who ought not to allow considerations of popularity, even with so vast a constituency as that, to affect his vote. The hon. member concluded by saying that he would vote against the amendment.³¹⁴

MR. JOHNSTON followed.³¹⁵ ((He said)) of the petition that it contained "every falsehood human ingenuity could invent"--.³¹⁶

((MR. CAUCHON)) called Mr. Johnston to order³¹⁷.

MR. JOHNSTON, (waving his hand.) Go--go--you are a stray sheep. If a scape-grace comes to this side of the House, I'll see him sent to the right-about.³¹⁸

MR. CAUCHON: Order!³¹⁹

MR. JOHNSTON: "I don't know the gentleman! I have no acquaintance with him, and don't desire it; but if any scape-grace comes to this side of the House, he shall hear of it, and find he has got a Tartar. I want to let 'em know that if they desire to trouble me, they'll only find that they'll get into trouble who try it: - that's all, Mr. Speaker."³²⁰

COL. PRINCE said, that from the curiosity manifested by the public, and the eloquence which had been employed that evening, he found that the present question was one of no small interest.³²¹ He had been desirous to learn from gentlemen versed in the Parliamentary law of Lower Canada, what was the real practice with regard to contested elections.³²² Whether the importance which was attached to it within the house, arose from either of the circumstances to which he had alluded; or whether it arose from the rank and wealth of the parties concerned³²³ from their station, or from the magnitude of charges contained in the petition?³²⁴ He knew not, or whether it belonged to the discussion of the point of law in dispute; but this he knew, that he attached very little importance indeed to the question at issue. A great deal had been said about statutes and precedents, but as an English Lawyer the question appeared to him to resolve itself into one single point³²⁵--did that petition or did it not come to that House clothed in the preliminaries required by Parliamentary law.³²⁶ The present was not the first time upon which a petition had been presented against the seat of a member of that house, and he would be extremely sorry if it were to go forth to the world that the seat of Messrs. Moffatt and De Bleury had been attacked without the house requiring all the forms which had been previously observed.³²⁷

OR

This was not the first time that a petition had been attacked; he should be sorry if it went forth to the world that those who were upon the strong side of the House were the only people who had attacked election petitions for informalities. The Member for Terrebonne had done so before, and that, too, successfully; there was the precedent of the election for Stanstead, in which it had also been done. He now came to the question--was that petition got up in the manner in which the Statute required? No! it was not!³²⁸

Cheers from the Ministerial Benches.³²⁹

((MR. PRINCE continued:)) He wished to divest himself of all party feelings, and to give his vote unbiassed by any other consideration than

a desire to do justice to all parties, but as one of her Majesty's Counsel, and as one who he hoped was not unlearned in the law, he could not give his vote for a motion in direct opposition to the law; it was upon that principle alone that he would attempt to debate the question, and in doing so he would be brief. When he had first heard the arguments of his learned friend, the Solicitor General, he was certainly surprised at the force of his reasoning, and he soon found that he had strong grounds for the course he was adopting. The only argument which was urged in reply was this - there is the statute, you can have no other law but that, and you can follow no other guide. He (Col. Prince) denied that; the house was bound, no doubt, to follow the provisions of the statute, so far as they could be followed; but he would ask whether this was a case in which it could be followed? If it could not, then recourse must be had to the English law. It was on this ground that the Solicitor General had put the whole question, and his arguments had been sustained by the clearest possible precedents in Lower Canada. He (Col. Prince) appealed to the lawyers on his side of the house, whether any one thing had been adduced to set aside the arguments used by his hon. friend for Leeds; he would be wanting in common sense³³⁰, he would be wanting in intellect and in knowledge of the law³³¹, if he said that the precedents which that gentleman had brought forward had been contravened, or that their force had been weakened in any manner³³², ((or)) if he were to vote otherwise than for the rejection of this petition. The Honorable Member for Leeds³³³ had began (sic) by citing twenty-three cases - and, how he had acquired the aptitude of applying those without a legal education, he did not know - but he had began (sic) by citing twenty-three cases which had occurred prior to the passing of the act, which determined the mode in which contested elections were to be tried; and in every instance, the petitions contained the identical matter, the necessity for which was now contended for on the other side of the house. - Since the year 1829 they had the case of the controverted election in the county of Kamouraska, and many others, and in the whole of them the affidavits were set forth at full length, and the petitioners had always sworn that they were electors. If these forms were not complied with, where was the utility of the law; for he would ask how it was possible to indict a man for perjury unless it was known what oath he had taken? He was glad to have to speak to so many learned Queen's Counsel on that side of the house, for he was certain that they would not assert - that no man would assert - that an individual could be indicted for perjury, unless it could be shewn upon what oath he had been sworn. It might indeed be done if there were only one oath required, and the magistrate might be got to prove the circumstances; but in case he died³³⁴ between the time it was given and the trial,³³⁵ his certificate would be of no utility at all³³⁶. Therefore was it bad as respected proof, it wanted regularity in the proceedings.³³⁷ It was this that made it necessary to set out the oath that had been taken at full length. He had looked at the whole thing very attentively, and he felt bound, out of respect to the profession to which he belonged, to give his vote for the amendment, because the petition was one which was fairly out of court, for want of force. The hon. member for Quebec had

set out by observing, that the whole of the objections resolved themselves into technical points, - no doubt that was true, but if those technical points were got rid of, what would become of the law of the land (hear, hear, hear.) -338 In England³³⁹ it frequently occurred that a man's ruin or welfare depended on the management of his case before the Privy Council; but it was necessary that he should come to that dernier resort (sic) with his case complete and his documents properly prepared; if he did not do so, the court would say to him, you have not made out your case, and we are sorry to say you must go home as you came. A great deal had been said about the many improprieties which had been practiced at the Montreal election; for instance it had been complained that the officers of the army had voted; but he (Colonel Prince) would ask why the Commander of the Forces, who, perhaps, paid a rent of £200 or £300 per annum for his house, has not got as good a right as any other person to walk quietly up to the poll and give his vote.³⁴⁰ Those who objected to it were tyrants, and he doubted the liberal professions of such men (loud cheers.) He was not English in his heart who would uphold such a doctrine.³⁴¹ Then it was complained that³⁴² it was a rule in England for the troops to leave the place in which an election is held. It was no such thing; in garrison towns like this, the troops were never removed, although they might be confined to barracks; it was only where they were billeted upon the inhabitants, that they were removed to a distance.³⁴³ Then the barriers were very much talked about, but he understood from gentlemen of both parties that those barriers had been erected by mutual consent, so that he thought even upon the merits of the case there was nothing in it³⁴⁴ For the reasons he had before given he felt called upon to vote for the amendment.³⁴⁵ Though he would be the last man to prevent petitioners from bringing in their complaints to the bar of the house, if they came in a proper manner, he would also be the last man to allow respectable members to be disturbed, unless the parties who petitioned against them came to the house with all the formalities properly fulfilled.³⁴⁶ (Hear.)³⁴⁷

(169)

And the Question being put, on Mr. Gowan's motion of amendment, a division ensued, and the names being called for, they were taken down as followeth:

YEAS.

Boulton, Brooks, Chalmers, Colville, Cummings, Daly, Dickson, Duggan, Dunlop, Ermatinger, Foster, Gowan, Greive, Hale, Hall, Jessup, Johnston, LeBoutillier, Lawrason, Macdonald of CORNWALL, Macdonald of KINGSTON, M'Connell, Meyers, Murney, Petrie, Prince, Riddell, Scott, Seymour, Sherwood of BROCKVILLE, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Stewart of PRESCOTT, Watts, Webster, and Williams--
(37.)

NAYS.

Armstrong, Aylwin, Baldwin, Berthelot, Bertrand, Boutillier, Cameron, Cauchon, Chabot, Chauveau, Christie, Desautier, De Witt, Franchère, Jobin, Lacoste, LaFontaine, Lantier, Laurin, LeMoine, Leslie, Macdonald of GLENGARRY, Macdonell of DUNDAS, Macdonell of STORMONT, Méthot, Morin, Nelson, Powell, Price, Roblin, Rousseau, Smith of WENTWORTH, Taché, Taschereau, and Thompson--(35.)

So it was carried in the affirmative.

The question being then put on the motion of amendment of the Honourable Mr. Solicitor General Sherwood, as amended, a division ensued, and the names being called for, they were taken down as in the last preceding division.

So it was carried in the affirmative.

The question being then put on the main motion, as amended, the House divided thereon, and the names being called for, they were also taken down as in the last preceding division.

So it was carried in the affirmative, and

Resolved accordingly,

Amid considerable confusion, arising from Members leaving their seats, MR. LAFONTAINE suggested, as we understood him, to allow the other petitions in the same predicament to be governed by the present vote.³⁴⁸

(169)

Megantic
Election.

Ordered, That the remaining Orders of the Day be postponed until to-morrow, and that the consideration of the motion, viz:--"that the grounds and reasons of complaint set forth in the Petition of Richard Charles Porter and others, who have complained to this House, of the undue election and return of the Honourable Dominick Daly, as a Member to serve for the county of Megantic, in this present Parliament; if such grounds and reasons be true, are sufficient to make void the election of the said Honourable Dominick Daly," be then the first Order of the Day.

Then, on motion of Mr. Macdonald, of Kingston,

The House adjourned.

APPENDIX, 16 JANUARY 1845.

((NOTICE OF PROPOSED MOTION.))

MR. GOWAN gave notice of his intention to introduce a Bill to amend as much of the Act for securing the Independence of Parliament, as prevented persons from sitting in and voting for Members of Parliament, who were allowed to do so in the Kingdom of Great Britain and Ireland.³⁴⁹

FOOTNOTES - 16 JANUARY 1845.

1. The debate on this matter was reported by: ST. CATHARINES JOURNAL, 30 January 1845; L'AUORE, 18 January 1845; MONTREAL GAZETTE, 18 January 1845, and EXAMINER, 29 January 1845, in accounts which are identical except that in the EXAMINER some speeches have been omitted entirely.
2. ST. CATHARINES JOURNAL, 30 January 1845.
3. MONTREAL GAZETTE, 18 January 1845.
4. ST. CATHARINES JOURNAL, 30 January 1845.
5. MONTREAL GAZETTE, 18 January 1845.
6. IBID.
7. IBID.
8. The debate on this matter was reported by: MONTREAL GAZETTE, 18 January 1845, and EXAMINER, 29 January 1845, in identical accounts; and ST. CATHARINES JOURNAL, 30 January 1845.
9. ST. CATHARINES JOURNAL, 30 January 1845.
10. MONTREAL GAZETTE, 18 January 1845.
11. ST. CATHARINES JOURNAL, 30 January 1845.
12. MONTREAL GAZETTE, 18 January 1845.
13. IBID.
14. IBID.
15. IBID.
16. The debate on this matter was reported by: LA MINERVE, 20 January 1845; BRITISH WHIG, 21 January 1845, copied from MONTREAL HERALD; ST. CATHARINES JOURNAL, 30 January 1845; MONTREAL GAZETTE, 18 January 1845, and EXAMINER, 29 January 1845, in accounts which are identical except that in the EXAMINER some speeches have been omitted entirely; KINGSTON NEWS, 23 January 1845, copied from MONTREAL TRANSCRIPT, 18 January 1845, which in turn copied and edited from MONTREAL COURIER; and EXAMINER, 22 January 1845. L'AUORE, 18 January 1845, noted the debate. There were commentaries in LE JOURNAL DE QUEBEC, 23 January 1845; and in BROCKVILLE RECORDER, 23 January 1845, citing the PILOT, 17 January 1845. A copy of the petition is to be found in the GLOBE, 14 January 1845.
17. MONTREAL GAZETTE, 18 January 1845.
18. BRITISH WHIG, 21 January 1845.
19. MONTREAL GAZETTE, 18 January 1845.
20. IBID.
21. IBID.
22. IBID.
23. BRITISH WHIG, 21 January 1845.
24. MONTREAL GAZETTE, 18 January 1845.
25. BRITISH WHIG, 21 January 1845.
26. MONTREAL GAZETTE, 18 January 1845.
27. BRITISH WHIG, 21 January 1845.
28. MONTREAL GAZETTE, 18 January 1845.
29. IBID.
30. IBID.
31. BRITISH WHIG, 21 January 1845.
32. MONTREAL GAZETTE, 18 January 1845.
33. BRITISH WHIG, 21 January 1845.

34. MONTREAL GAZETTE, 18 January 1845.
35. BRITISH WHIG, 21 January 1845.
36. MONTREAL GAZETTE, 18 January 1845.
37. IBID.
38. IBID.
39. BRITISH WHIG, 21 January 1845.
40. MONTREAL GAZETTE, 18 January 1845.
41. IBID.
42. BRITISH WHIG, 21 January 1845.
43. MONTREAL GAZETTE, 18 January 1845.
44. IBID.
45. MONTREAL TRANSCRIPT, 18 January 1845.
46. BRITISH WHIG, 21 January 1845.
47. MONTREAL GAZETTE, 18 January 1845.
48. IBID.
49. BRITISH WHIG, 21 January 1845.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. MONTREAL GAZETTE, 18 January 1845.
55. BRITISH WHIG, 21 January 1845.
56. IBID.
57. IBID.
58. IBID.
59. IBID.
60. IBID.
61. IBID.
62. MONTREAL GAZETTE, 18 January 1845.
63. IBID.
64. IBID.
65. BRITISH WHIG, 21 January 1845.
66. MONTREAL GAZETTE, 18 January 1845.
67. IBID.
68. IBID.
69. IBID.
70. IBID.
71. BRITISH WHIG, 21 January 1845.
72. MONTREAL GAZETTE, 18 January 1845. BRITISH WHIG, 21 January 1845, however, did not report LaFontaine's request to have the petitions cited by name. Its report noted instead: "and though he ((Mr. Gowan)) did not think it necessary to refer to the whole of them particularly, he would mention the names and the references for any hon. member who chose to satisfy himself on the subject."
73. MONTREAL GAZETTE, 18 January 1845.
74. IBID.
75. BRITISH WHIG, 21 January 1845.
76. MONTREAL GAZETTE, 18 January 1845.
77. BRITISH WHIG, 18 January 1845. MONTREAL GAZETTE, 18 January 1845,

stated that: "The hon. gentleman then entered into the details of these cases which we may dismiss rather more briefly than he did."

78. MONTREAL GAZETTE, 18 January 1845.
79. BRITISH WHIG, 21 January 1845.
80. MONTREAL GAZETTE, 18 January 1845.
81. BRITISH WHIG, 21 January 1845.
82. MONTREAL GAZETTE, 18 January 1845.
83. BRITISH WHIG, 21 January 1845.
84. MONTREAL GAZETTE, 18 January 1845.
85. BRITISH WHIG, 21 January 1845.
86. MONTREAL GAZETTE, 18 January 1845.
87. BRITISH WHIG, 21 January 1845.
88. MONTREAL GAZETTE, 18 January 1845.
89. BRITISH WHIG, 21 January 1845.
90. MONTREAL GAZETTE, 18 January 1845.
91. BRITISH WHIG, 21 January 1845. MONTREAL GAZETTE, 18 January 1845, however, reports that he described the "grounds" rather than the "cases" as unimportant.
92. BRITISH WHIG, 21 January 1845.
93. MONTREAL GAZETTE, 18 January 1845.
94. BRITISH WHIG, 21 January 1845.
95. MONTREAL GAZETTE, 18 January 1845.
96. BRITISH WHIG, 21 January 1845.
97. MONTREAL GAZETTE, 18 January 1845.
98. BRITISH WHIG, 21 January 1845.
99. MONTREAL GAZETTE, 18 January 1845.
100. BRITISH WHIG, 21 January 1845.
101. MONTREAL GAZETTE, 18 January 1845.
102. BRITISH WHIG, 21 January 1845.
103. MONTREAL GAZETTE, 18 January 1845.
104. BRITISH WHIG, 21 January 1845. MONTREAL GAZETTE, 18 January 1845, reports that he said: "he was sure that his recollection was too good not to have recommended him to pursue the same course as in the case of Stanstead."
105. MONTREAL GAZETTE, 18 January 1845.
106. BRITISH WHIG, 21 January 1845.
107. MONTREAL GAZETTE, 18 January 1845.
108. BRITISH WHIG, 21 January 1845.
109. MONTREAL GAZETTE, 18 January 1845.
110. BRITISH WHIG, 21 January 1845.
111. MONTREAL GAZETTE, 18 January 1845.
112. BRITISH WHIG, 21 January 1845.
113. MONTREAL GAZETTE, 18 January 1845.
114. BRITISH WHIG, 21 January 1845.
115. MONTREAL GAZETTE, 18 January 1845.
116. BRITISH WHIG, 21 January 1845.
117. MONTREAL GAZETTE, 18 January 1845.
118. BRITISH WHIG, 21 January 1845.
119. MONTREAL GAZETTE, 18 January 1845.

120. IBID.
121. BRITISH WHIG, 21 January 1845.
122. MONTREAL GAZETTE, 18 January 1845.
123. BRITISH WHIG, 21 January 1845.
124. MONTREAL GAZETTE, 18 January 1845. BRITISH WHIG, 21 January 1845, however, reported that LaFontaine concluded his speech as follows:
"He, however, thanked the hon. member for Leeds for sending for those papers."
125. BRITISH WHIG, 21 January 1845.
126. IBID.
127. MONTREAL GAZETTE, 18 January 1845.
128. BRITISH WHIG, 21 January 1845. MONTREAL GAZETTE, 18 January 1845, give the nay votes as 22.
129. MONTREAL GAZETTE, 18 January 1845.
130. IBID.
131. IBID.
132. IBID.
133. BRITISH WHIG, 21 January 1845.
134. IBID.
135. IBID.
136. IBID.
137. MONTREAL GAZETTE, 18 January 1845.
138. BRITISH WHIG, 21 January 1845.
139. IBID.
140. MONTREAL GAZETTE, 18 January 1845.
141. BRITISH WHIG, 21 January 1845.
142. MONTREAL GAZETTE, 18 January 1845.
143. BRITISH WHIG, 21 January 1845.
144. MONTREAL GAZETTE, 18 January 1845.
145. BRITISH WHIG, 21 January 1845.
146. MONTREAL GAZETTE, 18 January 1845.
147. BRITISH WHIG, 21 January 1845.
148. MONTREAL GAZETTE, 18 January 1845.
149. BRITISH WHIG, 21 January 1845.
150. MONTREAL GAZETTE, 18 January 1845.
151. IBID.
152. BRITISH WHIG, 21 January 1845.
153. MONTREAL GAZETTE, 18 January 1845.
154. BRITISH WHIG, 21 January 1845.
155. MONTREAL GAZETTE, 18 January 1845.
156. BRITISH WHIG, 21 January 1845.
157. IBID.
158. IBID.
159. IBID.
160. MONTREAL GAZETTE, 18 January 1845.
161. BRITISH WHIG, 21 January 1845.
162. MONTREAL GAZETTE, 18 January 1845.
163. BRITISH WHIG, 21 January 1845.
164. MONTREAL GAZETTE, 18 January 1845.

165. BRITISH WHIG, 21 January 1845.
166. MONTREAL GAZETTE, 18 January 1845.
167. BRITISH WHIG, 21 January 1845.
168. MONTREAL GAZETTE, 18 January 1845.
169. IBID.
170. BRITISH WHIG, 21 January 1845.
171. IBID.
172. IBID.
173. MONTREAL GAZETTE, 18 January 1845.
174. BRITISH WHIG, 21 January 1845.
175. MONTREAL GAZETTE, 18 January 1845.
176. BRITISH WHIG, 21 January 1845.
177. MONTREAL GAZETTE, 18 January 1845.
178. BRITISH WHIG, 21 January 1845.
179. MONTREAL GAZETTE, 18 January 1845.
180. BRITISH WHIG, 21 January 1845.
181. MONTREAL GAZETTE, 18 January 1845.
182. BRITISH WHIG, 21 January 1845.
183. MONTREAL GAZETTE, 18 January 1845.
184. BRITISH WHIG, 21 January 1845.
185. MONTREAL GAZETTE, 18 January 1845.
186. BRITISH WHIG, 21 January 1845.
187. MONTREAL GAZETTE, 18 January 1845.
188. BRITISH WHIG, 21 January 1845.
189. IBID.
190. IBID.
191. MONTREAL GAZETTE, 18 January 1845.
192. BRITISH WHIG, 21 January 1845.
193. IBID.
194. IBID.
195. IBID.
196. IBID.
197. IBID.
198. IBID.
199. MONTREAL GAZETTE, 18 January 1845.
200. BRITISH WHIG, 21 January 1845.
201. MONTREAL GAZETTE, 18 January 1845.
202. BRITISH WHIG, 21 January 1845.
203. MONTREAL GAZETTE, 18 January 1845.
204. BRITISH WHIG, 21 January 1845.
205. MONTREAL GAZETTE, 18 January 1845.
206. BRITISH WHIG, 21 January 1845.
207. MONTREAL GAZETTE, 18 January 1845.
208. BRITISH WHIG, 21 January 1845.
209. MONTREAL GAZETTE, 18 January 1845.
210. BRITISH WHIG, 21 January 1845.
211. MONTREAL GAZETTE, 18 January 1845.
212. BRITISH WHIG, 21 January 1845.

213. MONTREAL GAZETTE, 18 January 1845.
214. BRITISH WHIG, 21 January 1845.
215. IBID.
216. IBID.
217. MONTREAL GAZETTE, 18 January 1845.
218. IBID.
219. BRITISH WHIG, 21 January 1845.
220. IBID.
221. MONTREAL GAZETTE, 18 January 1845.
222. BRITISH WHIG, 21 January 1845.
223. IBID.
224. MONTREAL GAZETTE, 18 January 1845.
225. IBID.
226. BRITISH WHIG, 21 January 1845.
227. MONTREAL GAZETTE, 18 January 1845.
228. BRITISH WHIG, 21 January 1845.
229. MONTREAL GAZETTE, 18 January 1845.
230. BRITISH WHIG, 21 January 1845.
231. MONTREAL GAZETTE, 18 January 1845.
232. BRITISH WHIG, 21 January 1845.
233. MONTREAL GAZETTE, 18 January 1845.
234. BRITISH WHIG, 21 January 1845.
235. MONTREAL GAZETTE, 18 January 1845.
236. IBID.
237. BRITISH WHIG, 21 January 1845.
238. MONTREAL GAZETTE, 18 January 1845.
239. BRITISH WHIG, 21 January 1845.
240. MONTREAL GAZETTE, 18 January 1845.
241. BRITISH WHIG, 21 January 1845.
242. MONTREAL GAZETTE, 18 January 1845.
243. BRITISH WHIG, 21 January 1845.
244. MONTREAL GAZETTE, 18 January 1845.
245. BRITISH WHIG, 21 January 1845.
246. MONTREAL GAZETTE, 18 January 1845.
247. BRITISH WHIG, 21 January 1845.
248. MONTREAL GAZETTE, 18 January 1845. This date was illegible, but it is clear that the petition re: the contested election of Montreal's East Ward of 1832 is meant.
249. MONTREAL GAZETTE, 18 January 1845. The BRITISH WHIG, 21 January 1845, reports that "It had been admitted on all hands", rather than merely by Mr. Baldwin.
250. BRITISH WHIG, 21 January 1845.
251. MONTREAL GAZETTE, 18 January 1845.
252. BRITISH WHIG, 21 January 1845.
253. MONTREAL GAZETTE, 18 January 1845.
254. BRITISH WHIG, 21 January 1845.
255. MONTREAL GAZETTE, 18 January 1845.
256. BRITISH WHIG, 21 January 1845.
257. MONTREAL GAZETTE, 18 January 1845.
258. BRITISH WHIG, 21 January 1845.

259. MONTREAL GAZETTE, 18 January 1845.
260. BRITISH WHIG, 21 January 1845.
261. MONTREAL GAZETTE, 18 January 1845.
262. BRITISH WHIG, 21 January 1845.
263. MONTREAL GAZETTE, 18 January 1845.
264. BRITISH WHIG, 21 January 1845.
265. MONTREAL GAZETTE, 18 January 1845.
266. BRITISH WHIG, 21 January 1845.
267. MONTREAL GAZETTE, 18 January 1845.
268. BRITISH WHIG, 21 January 1845.
269. MONTREAL GAZETTE, 18 January 1845.
270. BRITISH WHIG, 21 January 1845.
271. MONTREAL GAZETTE, 18 January 1845.
272. BRITISH WHIG, 21 January 1845.
273. MONTREAL GAZETTE, 18 January 1845.
274. IBID.
275. BRITISH WHIG, 21 January 1845.
276. MONTREAL GAZETTE, 18 January 1845.
277. IBID.
278. IBID.
279. BRITISH WHIG, 21 January 1845.
280. MONTREAL GAZETTE, 18 January 1845.
281. BRITISH WHIG, 21 January 1845.
282. MONTREAL GAZETTE, 18 January 1845.
283. BRITISH WHIG, 21 January 1845.
284. MONTREAL GAZETTE, 18 January 1845.
285. BRITISH WHIG, 21 January 1845.
286. MONTREAL GAZETTE, 18 January 1845.
287. BRITISH WHIG, 21 January 1845.
288. MONTREAL GAZETTE, 18 January 1845.
289. BRITISH WHIG, 21 January 1845.
290. MONTREAL GAZETTE, 18 January 1845.
291. BRITISH WHIG, 21 January 1845.
292. MONTREAL GAZETTE, 18 January 1845.
293. IBID.
294. IBID.
295. IBID.
296. IBID.
297. IBID.
298. BRITISH WHIG, 21 January 1845.
299. MONTREAL GAZETTE, 18 January 1845.
300. BRITISH WHIG, 21 January 1845.
301. MONTREAL GAZETTE, 18 January 1845.
302. BRITISH WHIG, 21 January 1845.
303. MONTREAL GAZETTE, 18 January 1845.
304. BRITISH WHIG, 21 January 1845.
305. MONTREAL GAZETTE, 18 January 1845.
306. BRITISH WHIG, 21 January 1845.
307. MONTREAL GAZETTE, 18 January 1845.

308. BRITISH WHIG, 21 January 1845.
309. MONTREAL GAZETTE, 18 January 1845.
310. BRITISH WHIG, 21 January 1845.
311. MONTREAL GAZETTE, 18 January 1845. BRITISH WHIG, 21 January 1845, says ten petitions.
312. BRITISH WHIG, 21 January 1845.
313. MONTREAL GAZETTE, 18 January 1845.
314. BRITISH WHIG, 21 January 1845.
315. MONTREAL GAZETTE, 18 January 1845.
316. MONTREAL TRANSCRIPT, 18 January 1845. It is not certain that the above exchange between Johnston and Cauchon occurred precisely in this context, but there is some evidence that it might have done. At any rate its insertion here does not break the continuity of the debate at all since we know that Johnston did follow Roblin, and that his speech did cause much merriment and outrage in the House.
317. MONTREAL TRANSCRIPT, 18 January 1845.
318. IBID.
319. IBID.
320. IBID.
321. BRITISH WHIG, 21 January 1845.
322. MONTREAL GAZETTE, 18 January 1845.
323. BRITISH WHIG, 21 January 1845.
324. MONTREAL GAZETTE, 18 January 1845.
325. BRITISH WHIG, 21 January 1845.
326. MONTREAL GAZETTE, 18 January 1845.
327. BRITISH WHIG, 21 January 1845.
328. MONTREAL GAZETTE, 18 January 1845.
329. IBID.
330. BRITISH WHIG, 21 January 1845.
331. MONTREAL GAZETTE, 18 January 1845.
332. BRITISH WHIG, 21 January 1845.
333. MONTREAL GAZETTE, 18 January 1845.
334. BRITISH WHIG, 21 January 1845.
335. MONTREAL GAZETTE, 18 January 1845.
336. BRITISH WHIG, 21 January 1845.
337. MONTREAL GAZETTE, 18 January 1845.
338. BRITISH WHIG, 21 January 1845.
339. MONTREAL GAZETTE, 18 January 1845.
340. BRITISH WHIG, 21 January 1845.
341. MONTREAL GAZETTE, 18 January 1845.
342. BRITISH WHIG, 21 January 1845.
343. MONTREAL GAZETTE, 18 January 1845.
344. BRITISH WHIG, 21 January 1845.
345. MONTREAL GAZETTE, 18 January 1845.
346. BRITISH WHIG, 21 January 1845.
347. MONTREAL GAZETTE, 18 January 1845.
348. IBID.
349. IBID.

FRIDAY, 17 JANUARY 1845.

(169)

Norfolk
Election.

ON motion of Mr. Dunlop, seconded by the
Honourable Mr. Solicitor General Sherwood,

Resolved, That the Select Committee appointed to try the merits of the
Petition of David Duncombe, Esquire, late a candidate for the county
of Norfolk, and others his supporters, complaining of the undue
election and return of Israel Wood Powell, Esquire, have leave to
adjourn until Monday next, at noon.

Petitions
brought up.

The following Petitions were severally
brought up and laid on the table:--

By Mr. Smith, of Frontenac, the Petition of Samuel Clark and others,
of the Midland district.

By Mr. Lacoste, the Petition of Gabriel Marchand, of St. Johns.

By Mr. Colville, the Petition of Joseph Somerville and others, of
the townships of Godmanchester and Hinchinbrook, in the county of
Beauharnois.

By Mr. Drummond, the Petition of Mrs. M. C. Alfaro, widow of
the late Carleton Allsopp; and the petition of L. J. M'Nair and others,
of the district of Quebec.

By Mr. M'Connell, the Petition of M. W. Copp and others, of the
county of Stanstead.

By the Honourable Mr. Moffatt, the petition of the Montreal Board
of Trade, (relating to the Navigation of the river Ottawa).

By Mr. Watts, the Petition of Simeon Flint and others, of Shipton
and other places.

By Mr. Gowan, the Petition of James Breakenridge, of Canada West.

By the Honourable Mr. Aylwin, the Petition of Thomas W. Lloyd and
others, merchants, traders and citizens of Quebec.

By Mr. Desautier, the Petition of the Reverend L. O. Desilets and
others, of the parish of St. Barnabé in the county of St. Maurice; the
Petition of the Reverend S. J. A. Dumoulin and others, of the parish
of Ste. Anne L'Ange, in the district of Three Rivers; and the
Petition of Louis Pratt and others, of the parish of St. Joseph de
Maskinongé.

By Mr. Macdonald, of Kingston, the Petition of Charles Willard and
others, merchant-seamen, and ship-owners of the Province of Canada.

Petitions read.

Pursuant to the Order of the Day the following
Petitions were read:--

Of G. Rutledge and others, of the township of Loughborough; praying that the line between the fifth and sixth concessions may be established according to the decision of the late Boundary Line Commissioners.

Of G. Weldon and others, of the seigniority of Lacolle, in the county of Huntingdon, complaining of injustice on the part of their seigniors, and praying redress.

Of the members of the Quebec Debating Society, praying an aid to enable them to continue their scientific labours.

Of John W. Kerr and others, members of the United Church of England and Ireland, in the township of Bayham and parts adjacent, in the diocese of Toronto; and the Petition of the Reverend T. B. Fuller and others, members of the United Church of England and Ireland, in the parish of Thorold, and district of Niagara, praying for an Address to Her Majesty recommending the passing of an Act to assign to the said Church of England such proportion of the Clergy Reserve Lands, as shall correspond with her share of the funds arising from the same; and to authorize the Church Society of the diocese of Toronto, to propose a system for the future management of their portion of the said Lands.

(170)

Of Alfred Patrick, Second Clerk of Committees to this House, praying for an increase of salary.

Of James Farley and others, of the town of London, in the district of London, praying that no amendments be made to the Act incorporating the said town, as petitioned for.

Of John Dougall and R. M. Wadsworth, of Montreal, praying for the establishment of a cheap and uniform rate of postage.

Of Peter Lampman, senior, and others, of the Niagara district, praying that no farther attempt may be made to alter the charter of King's College.

Of the Reverend T. B. Fuller and others, members of the United Church of England and Ireland, in the parish of Thorold, in the district of Thorold, praying for the repeal of the Common School Act, and the establishment of a more satisfactory system, whereby religious instruction may also be afforded.

Of Robert Scott and others, proprietors of St. George's Church,

of Montreal, praying aid in support of a School in connection with said Church.

Of William Wilson and others, merchants, manufacturers, and traders of the town of Kingston, praying for a higher duty on American manufactures, and the adoption of measure for preventing the contraband trade.

Of James L. Grant, late a Sergeant Major in Her Majesty's service, praying for a grant of scrip in consideration of his past services.

Of Joseph Munger, senior, and others, of the township of Colchester, in the Western district, praying that encouragement may be given to the growers of tobacco in the said district.

Of the Grand Jury of the district of Huron, praying for the passing of an Act to compel all absentees belonging to the said district to pay their taxes.

Of Alexander Campbell and others, of the township of Williams, praying to be separated from the Huron district, and annexed to the district of London.

A. Patrick. Ordered, That the Petition of Alfred Patrick,
Second Clerk of Committees to this House, be
referred to the Standing Committee on Contingencies.

Petition of R. Mr. Thompson, from the Select Committee to
Brown and which was referred the Petition of Richard Brown
others. and others, of the county of Haldimand, presented
to the House the Report of the said Committee,
which was again read at the Clerk's table, and is as followeth:--

Your Committee have examined into and duly considered the prayer of the Petition which sets forth the utility and necessity of the formation of a plank or other good Toll road, from the Hamilton and Port Dover road at Caledonia, through the towns or villages of Seneca, York, Indiana, Cayuga, which is the head of deep water navigation direct to Marville, and praying this House to adopt measures to perfect the same, all of which your Committee fully concur in, and therefore recommend the same to the favourable consideration of your Honourable House.

Lanark Mr. Sherwood, of Brockville, chairman of the
Election. Select Committee, appointed to try the merits
of the Petition of Alexander Fraser, Esquire,
late a candidate for the county of Lanark, at the last election; the
Petition of William Duncan and others, freeholders of the county of
Lanark; and the Petition of W. A. Playfair, senior, and others,

freeholders of the county of Lanark, complaining of the undue election and return of Malcolm Cameron, Esquire, reported to the House that the Committee met this morning at eleven o'clock, being the hour to which they stood adjourned, and having waited one hour, they were compelled in conformity to the statute to adjourn, in consequence of the absence of two of their number, viz: Mr. Foster and Mr. Hall.

Resolved, That as Mr. Hall has absented himself from the said Committee, by reason of sickness, he be excused.

Militia Scrip. Ordered, That one hundred and fifty copies of the return to an Address of this House, of the eleventh of December last, on the subject of Militia Scrip, be printed in each of the English and French languages, for the use of the Members of this House.

On motion of Mr. Cauchon, seconded by Mr. Taschereau,

Trinity House, Quebec. Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a detailed statement of the annual receipts and expenditures of the Trinity House of Quebec, for the last four years; the sums of money lent from the pilots' stock; the sums remitted; the loss incurred by the bankruptcy of the borrowers, or otherwise, in case such loss may have occurred; and if such sums or part of them, have been lent to members or officers, of the said Trinity Board of Quebec, and the names of the persons to whom such sums have been lent; the amount of the revenue produced by the loan of these sums, for the last four years, and the amount of the money now in the chest of the Trinity Board of Quebec.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House, as are of the Honourable the Executive Council of this Province.

Ice Bridge. Mr. Gréive moved, seconded by Mr. Méthot, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to direct the Board of Works to enquire and report, with as little delay as possible, into the feasibility of giving to the inhabitants of the district of Three Rivers, the benefit of an ice bridge over the river St. Lawrence, by means of three or more piers, to be placed between the Batture à Lévrard, near the parish of St. Pierre les Becquets, and the Batture à Bigot, near the parish of Champlain, or in the vicinity of these places.¹

MR. ATTORNEY GENERAL ((JAMES)) SMITH objected to the motion as being irregular and contrary to the practice adopted by the House

since the introduction of Responsible Government. The measure should first be laid before the Government, and if approved of, it would come before the House recommended and supported by the responsible members of the Government.² ((However)) he thought a bridge between two parishes could not be considered a public work in which the Province was sufficiently interested to justify the expenditure of its money in surveys.³

MR. LAFONTAINE said, he would vote for the motion; it was quite competent for the House to refer the matter to a committee to report upon without interfering with the principle of Responsible Government. The petition did not ask for money but merely that the Board of Works should undertake the survey required and report to the government as to its practicability. The Board of Work((s)) was established for such purposes; and he, (Mr. L.) objected to the view taken of the subject by the learned Attorney General.⁴

MR. DUGGAN and MR. GOWAN thought the motion very much resembled a money grant, and that as Responsible Government was the order of the day, he thought the petitioners ought to have applied in the first instance to Government.⁵

MESSRS. MERRITT, ((and)) THOMPSON ... argued against ... the motion⁶.

MR. ((HENRY)) SMITH, (Frontenac), ((argued)) in favour of, the motion⁷.

(170)

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Armstrong, Berthelot, Bertrand, Bowtellier, Cauchon, Chabot, Chalmers, Clouston, Christie, Desautels, Dewitt, Drummond, Ermatinger, Greive, Gwillist, Jessup, Jobin, Lacoste, LaFontaine, Lantier, Laurin, LeMoine, LeSalle, Methot, Meyers, Morin, Riddell, Rousseau, Scott, Smith of FRONTENAC, Stewart of PRESCOTT, Taché, Taschereau, Watts, and Webster.--(35.)

NAYS.

Aylwin, Binkley, Boulton, Cameron, Colville, Cummings, Daly, DeBleury, Duggan, Foster, Gowan, Hale, Laurason, Macdonald of CORNWALL, Macdonald of KINGSTON, Macdonell of DUNDAS, M'Connell, Merritt, McFadyen, Murray, Powell, Patrie, Price, Prince, Roblin,

Seymour, Solicitor General Sherwood, Attorney General Smith, Smith of WENTWORTH, and Thompson--(31.)

So it was carried in the affirmative, and

Resolved, accordingly.

(171)

Ice Bridge.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

A Message from the Legislative Council by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

MR. SPEAKER,

Gaspé Fishery and Coal Mining.

The Legislative Council have passed the Bill, intituled, "An Act to approve and confirm an Act of the Imperial Parliament of Great Britain, relating to the Gaspé Fishery and Coal Mining Company," without any amendment.

And then he withdrew.

Line Fences.

Ordered, That Mr. Roblin have leave to bring in a Bill to repeal an Act therein mentioned, and to provide for the regulation of line fences and water courses in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Thursday next.

On motion of Mr. Méthot, seconded by Mr. Macdonald, of Cornwall,

Stormont Election.

Resolved, That the Select Committee appointed to try the merits of the Petition of Alexander M'Lean, Esquire, and others, electors of the county of Stormont, complaining of the undue election and return of Donald A'Eneas Macdonell, Esquire, to represent the said county of Stormont in this present Parliament, have leave to adjourn until Monday next, at ten o'clock in the forenoon, to enable the Counsel for the Petitioners to prepare his case.

Still Duty.

Ordered, That the Honourable Mr. Attorney General Smith have leave to bring in a Bill to impose a duty on Distillers and Brewers, and on spirituous and fermented

liquors made by them, and to provide for the collection of the said duties.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Friday next.

Surgery and
Midwifery.

Ordered, That the Honourable Mr. Attorney General Smith have leave to bring in a Bill to regulate the study and practice of Medicine, Surgery, and Midwifery within this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday, the twenty-eighth instant.

On motion of the Honourable Mr. Attorney General Smith, seconded by the Honourable Mr. Daly,

Geological
Survey.

Resolved, That this House will, on Tuesday next, resolve itself into a Committee of the whole House, to consider the expediency of granting a further sum of money towards completing the Geological Survey, and ascertaining the mineral resources of this Province.⁸

MR. CHRISTIE asked what sum the Government intended to propose?⁹

The Attorney General ((MR. J. SMITH)) said from £1500 to £1800 a year for four or five years, as the House might determine¹⁰, as it was impossible to get learned men to come if their salaries were to be disputed every session.¹¹

This seemed to meet with the general approbation of the House.¹²

DR. DUNLOP only objected to the sum as too small for so great an object.¹³ ((He)) said that there was a much greater breadth of land between the Coast of Labrador and the Lakes, than in the whole extent of the British Islands;¹⁴ ((and it was believed to contain)) vast mineral treasures¹⁵. Notwithstanding the undoubted talents¹⁶, industry and attainments¹⁷ of Mr. Logan, the present surveyor, it was quite impossible for him, assisted by only one other gentleman, to get through such an extent of work. He also desired to see the labours of scientific men followed by the practical operations of the miner, so that the immense riches of the country might be properly explored.¹⁸

MR. BALDWIN suggested that separate collections of the specimens which the survey would furnish should be made in different parts of the Province. He mentioned Quebec, Montreal, Kingston, and Toronto as places whose importance and geographical position entitled them to have

museums of this nature.¹⁹

MR. MOFFATT asked if the Government was prepared to recommend a grant of money to²⁰ erect a building for the reception of the specimens which were collected.²¹

MR. ATTORNEY-GENERAL ((J. SMITH)) expressed himself gratified at the spirit in which this proposition had been met, and would feel encouraged to make any proposition commensurate with so valuable an object.²² ((He)) said, that he had been afraid hitherto to approach that part of the subject, but that if the House would give him any assurance of support, he would be ready at once to provide the necessary bill for the building of a Museum.²³

MR. JOHNSTON ... spoke against a grant for this purpose²⁴.

MR. MERRITT complained of the want of practical results from the survey²⁵. Geological surveys were of no use. They told people nothing but what they knew before, and both here and in the United States a great deal of money had been wasted over them. ... ((He)) would oppose any such grants.²⁶ ((He)) thought that instead of merely observing the different strata it would be better to explore some of the mines which were known to exist, in order to get at their contents!²⁷

(171)

Insolvent
Debtors.

Ordered, That the Honourable Mr. Solicitor
General Sherwood have leave to bring in a
Bill for the relief of insolvent debtors.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday, the twenty-eighth instant.

City of Toronto
Incorporation.

Ordered, That the Honourable Mr. Solicitor
General Sherwood have leave to bring in a
Bill to amend the Act of Incorporation for

the city of Toronto, by providing for the establishment of a Court of Record therein, to be called the Recorder's Court, in lieu of the Mayor's Court now established therein; by providing that the Recorder shall preside over the Division Court for the recovery of small debts within the said city and liberties, and by vesting in the Mayor, Aldermen, and Commonality of the said city, the power of laying out and opening new streets within the limits of the said city and liberties, and of regulating the mode of building therein, and defining the limits of the said city and liberties, and making a better and more convenient division of the said city into wards; and for other purposes connected therewith.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Friday the thirty-first instant.

Megantic
Election.

The Order of the Day for taking into consideration a motion made on the thirteenth of December last, viz:--"that the grounds and reasons of complaint set forth in the Petition of Richard Charles Porter, and others, who have complained to this House of the undue election and return of the Honourable Dominick Daly as a Member to serve for the county of Megantic, in this present Parliament, if such grounds and reasons be true, are sufficient to make void the election of the said Honourable Dominick Daly," being read,

MR. AYLWIN announced that an arrangement had been made to postpone this and two other Lower Canada election petitions to Wednesday next.²⁸

(171)

Ordered that the said Order of the Day be postponed until Wednesday next.

Sick Mariners.

The Order of the Day for the House in Committee to consider the expediency of amending the act of Lower Canada, 6 William IV., chapter 35, to provide for the medical treatment of sick Mariners, by authorizing the appropriation of a certain portion of the moneys collected under that act, to the relief of shipwrecked and destitute seamen, being read,

The House accordingly resolved itself into the said Committee.

Mr. Macdonald, of Cornwall, took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Macdonald, of Cornwall, reported that the Committee had come to a resolution, which resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That it is expedient to amend the Act of Lower Canada, 6th William IV., chapter 35, which provides for the medical treatment of sick Mariners, by authorizing the appropriation of a certain portion of the moneys collected under that Act, to the relief of shipwrecked and destitute Seamen.

Shipwrecked
and Destitute
Mariners.

Ordered, That the Honourable Mr. Attorney General Smith, have leave to bring in a Bill for the relief of shipwrecked and destitute Mariners in certain cases therein mentioned.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time, and ordered to be read a second time, on Friday next.

City of Toronto
Board of Trade.

The Order of the Day, for the second reading of the Bill to Incorporate the Board of Trade of the city of Toronto, being read,

(172)

Ordered, That the said Bill be read a second time on Tuesday next.

On motion of the Honourable Mr. Attorney General Smith, seconded by the Honourable Mr. Solicitor General Sherwood,

Trinity Houses
Quebec and
Montreal.

Ordered, That the Order of the Day for the House in Committee to consider the expediency of repealing the Acts and Ordinances of Lower Canada, establishing the Trinity Houses of Quebec and Montreal, and regulating Pilots and Pilotage with a view to the substitution of other enactments on the same subject, be discharged.

Counties and
Districts in
Upper Canada.

The Order of the Day for the second reading of the Bill for better defining the limits of the counties and districts in Upper Canada; for erecting certain new townships; for detaching townships from some counties and attaching them to others, and for other purposes relative to the division of Upper Canada into townships, counties, and districts, being read,

MR. THOMPSON opposed the bill. He thought that the great extent of the County of Haldimand, and its vast hydraulic powers, and mill privileges, entitled it to be formed into a district by itself. This was not provided for in the bill.²⁹

(172)

The said Bill was accordingly read and referred to a Select Committee, composed of the Honourable Mr. Solicitor General Sherwood, the Honourable Mr. Baldwin, Mr. Cameron, Mr. Chalmers, Mr. Cummings, Mr. Duggan, Mr. Danlop, Mr. Ermatinger, Mr. Gowan, Mr. Hall, Mr. Jessup, Mr. Johnston, Mr. Laurason, Mr. Merritt, Mr. Meyers, Mr. Murney, Mr. Powell, Mr. Petrie, Mr. Riddell, Mr. Smith of Frontenac, Mr. Thompson, Mr. Webster, and Mr. Williams, seven of whom shall be a quorum, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Marriage
License Fee
Fund.

The Order of the Day for the second reading of the Bill relating to the fund formerly known as the "Marriage License Fee Fund," to fix the fees hereafter to be taken on Marriage Licenses, and to provide for the regular payment thereof into the public Treasury, being read,

*Mr. Christie moved, seconded by Mr. DeWitt, that the said Bill be now read a second time.*³⁰

M. LE PROCUREUR-GENERAL ((J. SMITH)) lut un document du conseil par lequel la chambre était informée que ces fonds avaient été versés par le gouverneur dans la caisse publique consentant qu'il en fût disposé comme la législature l'entendrait. M. Smith expliqua que cet acte était purement volontaire de la part de Son Excellence, puisque ces fonds étaient attachés à sa personne comme une espèce de pécule; qu'il devait être bien entendu qu'on ne pouvait pas prétendre contraindre le gouverneur à se désaisir de son pécule; qu'on ne pouvait pas législater sur cette matière comme on le faisait sur d'autres; que tout ce qu'il nous était permis, c'était de disposer de ces fonds une fois mis dans la caisse publique; mais que le successeur de sir Charles Metcalfe serait en droit d'en agir autrement et de disposer de ses fonds comme bon lui semblerait.³¹ If it were passed he would be compelled to advise the Governor General to refuse his assent to it.³²

M. CHRISTIE ... a déclaré que si elle ((l'administration)) voulait introduire une mesure de la même nature, ou prendre la sienne en main, il serait content de lui en abandonner l'initiative; mais qu'il persisterait dans son dessein si, de son côté, le ministère persistait dans le sien³³.

M. ((J.)) SMITH déclara que l'administration n'introduirait pas une pareille mesure, et qu'elle s'opposerait au bill de M. Christie.³⁴

M. AYLWIN était extrêmement surpris de la marche suivie par l'Administration. Que les fonds dont il s'agissait avaient déjà été mis dans la caisse publique par le gouverneur, dans la session dernière, et cela sans restriction; que Son Excellence avait alors reconnu formellement que ces fonds devaient former partie des revenus consolidés de la province et être à la disposition pleine et entière de la législature, ainsi qu'un message écrit en faisait foi. M. Aylwin cite à son appui les registres de 1843. Il proteste contre la doctrine funeste émise par l'honorable procureur-général qu'on ne peut législater sur la matière et soutient que rien n'empêche qu'on puisse dès à-présent s'occuper d'un bill comme celui de l'hon. membre pour Gaspé. Que si ces fonds étaient le pécule du gouverneur, comment se faisait-il donc que ceux qui en avaient joui n'avaient pas seulement tenté de récuser l'autorité déjà assumée par la chambre pour les juger?³⁵

M. LE SOLLICITEUR GENERAL ((H. SHERWOOD)) prétendit que le comté auquel avait été référé le message dans la session dernière reconnut que ces fonds étaient attachés à la personne du gouverneur comme son pécule, ecclésiastiquement ou civilement, et ne tombaient pas sous l'action de l'article de l'acte d'Union qui définit les fonds consolidés, dont la législature a la disposition. Il cite un rapport ou état qui avait été fait précédemment par Mr. l'inspecteur-général Hincks, qui était d'opinion que les fonds en question fesaient partie des revenus publics, mais cet état était en contradiction avec le rapport du comité. Que ce rapport alléguait bien qu'il serait juste et d'une saine politique que le gouverneur se désaisît de ces fonds, mais n'assumait pas que la législature eût de plein droit le pouvoir de les regarder comme partie intégrante des revenus consolidés. Que l'objet de son honorable ami le procureur-général est d'empêcher qu'on dispose de ce dont le successeur de Son Excellence pouvait disposer autrement que ne le ferait la chambre.³⁶

M. MERRITT soutient que ces fonds de licences de mariage sont en réalité des fonds du pays autant qu'aucuns autres revenus (sic). Que dans le Haut-Canada on les avait toujours regardés comme tels, jusqu'à ce qu'on eût, depuis l'Union, produit une ordonnance de Québec qui rattache ces fonds à la personne du gouverneur. Qu'on a prétendu qu'il les touchait en sa qualité de chef de l'église protestante établie, que c'était par conséquent, dans sa personne, un droit ecclésiastique; mais cela n'est pas fondé; que les honoraires sont prélevés sur les mariages des dissidents aussi bien que sur ceux des autres protestants. Qu'on a été déjà assez importunés des objections que quelques-uns faisaient à la juste destination de ces fonds, et qu'il était grandement temps d'adopter une loi qui, comme le bill actuel, règle la question d'une manière judicieuse et dans l'intérêt du pays.³⁷

M. HALE appuie ... l'administration.³⁸

M. LAFONTAINE s'applique à réfuter le solliciteur-général du Haut-Canada. Il fait voir que l'acte d'Union décrète que tous les revenus de la couronne et autres revenus sont mis à la disposition de la législature provinciale, et que d'après la déclaration du gouverneur lui-même les fonds de licences de mariage sont des revenus publics, puisque Son Excellence a avoué solennellement qu'il ne voyait aucune raison pour ne pas les considérer comme tels. Quant au bill, la rédaction en est fautive sous un rapport; il n'est pas juste de dire que ces fonds soient des honoraires ou des revenus du gouverneur; ce sont des revenus de la couronne, revenus dont le contrôle est laissé à la législature du pays où ils sont prélevés.³⁹

M. MOFFATT dit qu'il s'agit de la deuxième lecture du bill; qu'on ne devait pas en continuer les procédés d'avantage, parce qu'il participe de la nature des taxes; qu'il impose une taxe, et

qu'ainsi il devrait émaner du gouvernement. Que cette taxe est imposée exclusivement sur les protestants, en considération desquels l'hon. membre pour Gaspé devait le retirer; et que si l'administration vient à l'introduire, il aura soin, lui M. Moffatt, qu'elle ne soit pas exclusive.⁴⁰

M. CHAUVEAU était d'opinion que le bill n'était pas inconstitutionnel; qu'il ne s'agissait pas de créer une taxe, mais simplement de régler la perception d'une taxe préexistante. Que le souverain, en Angleterre, est le chef ecclésiastique et civil de l'église et de l'état; la couronne avait eu le droit de placer ces revenus sous le contrôle de la législature provinciale, et que dès lors le gouverneur ne pouvait constitutionnellement se les approprier.⁴¹

M. SMITH se leva alors, et dit qu'il fallait créer la taxe.⁴²

M. CHAUVEAU lui répondit que non, qu'elle existait, et qu'il ne s'agissait que de lui assigner une destination conforme à notre droit constitutionnel.⁴³

M. ((J.)) SMITH ... ((répéta)) qu'il fallait créer la taxe, ou que le bill aurait cet effet⁴⁴.

M. CHAUVEAU ... ((dit)) que la taxe existait, ou qu'il y avait eu extorsion dans la réalisation des fonds en question, extorsion qui s'étendrait à tous ceux qui en avaient profité⁴⁵.

M. PRICE se prononça en faveur du bill et nia au gouverneur la qualité de chef de l'église établie; qu'il n'y avait pas d'église de l'état en Canada.⁴⁶

M. BALDWIN appuya la position de son honorable ami le représentant de Terrebonne, et cite les paroles du message du gouverneur qui font voir qu'en 1843 le gouverneur ne songeait pas à faire un cadeau à la province en lui rendant compte de ces fonds puisqu'il ne voyait aucune raison pour ne pas les regarder comme faisant partie des revenus publics soumis au contrôle de la chambre, que la prétention qu'on émet aujourd'hui que ces fonds sont le pécule du chef du gouvernement est en contradiction manifeste avec la première déclaration de Son Excellence, et est insoutenable d'ailleurs. L'honorable monsieur s'étend fort au long, et s'indigne qu'on ait pu émettre, comme l'a fait l'hon. et savant procureur-général, la monstrueuse doctrine que les trois branches du parlement provincial ne pourraient pas législater sur le sujet.

(172)

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down, as followeth:--

YEAS.

Armstrong, Aylwin, Baldwin, Berthelot, Bertrand, Brooks, Cauchon, Chabot, Chauveau, Christie, Cummings, DeWitt, Jobin, LeBoutillier, Lacoste, LaFontaine, Laurin, Leslie, Macdonell of STORMONT, M'Connell, Merritt, Méthot, Powell, Price, Roblin, Scott, Smith of WENTWORTH, Taché, Taschereau, and Thompson--(30.)

NAYS.

Colville, Daly, Dickson, Duggan, Dunlop, Ermatinger, Foster, Greive, Hale, Jessup, Johnston, Laurason, Macdonald of CORNWALL, Macdonald of KINGSTON, Macdonell of DUNDAS, Moffatt, Petrie, Sherwood of BROCKVILLE, Solicitor General Sherwood, Attorney General Smith, and Webster--(21.)

So it was carried in the affirmative, and the said Bill was read accordingly.

Mr. Christie moved, seconded by Mr. DeWitt, that the said Bill be referred to a Select Committee, composed of Mr. Leslie, Mr. Price, the Honourable Mr. Baldwin, the Honourable Mr. Aylwin, Mr. Chauveau, Mr. Thompson, and the mover, to report thereon from time to time; with power to send for persons, papers, and records.

Mr. Hale moved in amendment, seconded by the Honourable Mr. Moffatt, that all the words after "That" in the said motion, be struck out, and the following substituted, "it is in the opinion of this House expedient and right that the fees arising from marriage licenses should be at the disposal of the clergy of the several denominations respectively, for religious or educational purposes; and that an humble Address be presented to Her Most Gracious Majesty, praying that she will be graciously pleased to accord the fund in question to be appropriated by the Legislature to this end."

The Honourable Mr. Solicitor General Sherwood moved, seconded by Mr. LeBoutillier, that the debate be adjourned until Monday next, and that it be then the first Order of the Day.

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down, as followeth:--

YEAS.

Brooks, Colville, Cummings, Daly, Dickson, Duggan, Dunlop, Ermatinger, Foster, Greive, Hale, Jessup, Johnston, LeBoutillier, Laurason, Macdonald of CORNWALL, Macdonald of KINGSTON, Macdonell of DUNDAS, Moffatt, Petrie, Roblin, Sherwood of BROCKVILLE, Solicitor General

Sherwood, Attorney General Smith, and Webster--(25.)

NAYS.

Armstrong, Aylwin, Baldwin, Berthelot, Bertrand, Cauchon, Chabot,
Chauveau, Christie, De Witt, Jobin, Lacoste, LaFontaine, Laurin,
Leslie, Macdonell of STORMONT, M'Connell, Merritt, Méthot, Powell,
Price, Scott, Smith of WENTWORTH, Taché, Taschereau, and Thompson--(26.)

So it passed in the negative.

Mr. Colville moved, seconded by Mr. Dunlop, that the House do now adjourn.

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down, as followeth:--

YEAS.

Brooks, Colville, Cummings, Daly, Dickson, Duggan, Dunlop, Ermatinger,
Foster, Greive, Hale, Jessup, Johnston, Laurason, Macdonald of
CORNWALL, Macdonald of KINGSTON, Macdonell of DUNDAS, M'Connell,
Moffatt, Petrie, Roblin, Sherwood of BROCKVILLE, Solicitor General
Sherwood, Attorney General Smith, and Webster--(25.)

NAYS.

Armstrong, Aylwin, Baldwin, Berthelot, Bertrand, Cauchon, Chabot,
Chauveau, Christie, De Witt, Jobin, LeBoutillier, Lacoste, LaFontaine,
Laurin, Leslie, Macdonell of STORMONT, Merritt, Méthot, Powell, Price,
Scott, Smith of WENTWORTH, Taché, Taschereau, and Thompson--(26.)

So it passed in the negative.

The question being then put on Mr. Hale's motion of amendment, a division ensued, and it passed in the negative.

And the question being put on the main motion, it was agreed to by the House, and

Resolved accordingly.

Crown Timber
Office, Bytown.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor General,

Return to an Address of the Legislative Assembly to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before the House a Statement in detail of the transactions in the Crown Timber Office in Bytown, separately for the years 1843 and 1844; exhibiting the number of rafts passed, owner's name, the amount of duty on each raft, the gross amount of revenue in each year, the names of the Agent, Collector, Clerks, and Servants, and the salary to each, and any other expense connected with the Office.

(173)

Also the amount paid to the Government Surveyor for Surveys, the amount paid by Government to other Surveyors, and the amount paid by each individual lumber-man for such services; and also the quantity of square timber and saw logs cut in other parts of the Province, the quantity cut by each party, and amount of revenue derived therefrom.

(For the said Return see Appendix P.)

Also,

Fees and
Emoluments
of Clerk of
Crown, U. C.

Return to an Address of the Legislative Assembly to His Excellency, the Governor General, bearing date the 19th ultimo, "praying for a statement of all fees and emoluments, of what kind or nature soever, received for the years 1843, and 1844, by the Clerk of the Crown, in that part of the Province formerly Upper Canada."

CANADA WEST,
Toronto, 6th January, 1845.

SIR,

I have the honour to acknowledge the receipt of your letter of the 27th ultimo, directing, by command of His Excellency, the Governor General, that I would furnish you, for His information, with a statement of all fees and emoluments, of what kind and nature soever, received by me for the years 1843 and 1844, as Clerk of the Crown. In answer I beg to state that the required information is contained in the accompanying document.

I have, &c.,

(Signed,)

CHARLES C. SMALL.

That, since the appointment of the present Collector of Dues, at Bytown, James Stevenson, Esquire, and the Surveyor, John M'Naughton, an irresponsible power is placed in the hands of these individuals, as to the granting of licences to cut timber on the waste lands of the Crown, on the Ottawa and its tributary streams; that the said Collector is also agent for a Bank at Bytown, and that the Surveyor is connected with Mills in the lumber districts, and a speculator in lands; and that they are both interested, either by their family connections, relations, or Banking influence,

with the large lumber establishments in Montreal and Quebec;--That since the appointments aforesaid, large blocks of land, equal to a whole township, or ten miles square, have been granted and licensed to favoured individuals, in blocks in different places--one person holding several of those blocks from year to year--this has never been the case previously to the appointment of the present Collector and Surveyor; the limits previously granted by the Collector at Bytown being three miles front on any navigable stream. This gave to the industrious class of lumbermen a fair opportunity of competition according to their means, and obliged the non-resident merchant to actually occupy every three miles, or give up the limits to those who would do so, and improve the premises so licensed;--That under the present system, the granting of licenses has become a matter of barter between the merchant holding those large blocks, and the practical lumber-man, residing in the vicinity, whose whole support depends upon obtaining a fair proportion of the waste lands of the Crown, and on faith of which they were led to settle in those remote parts, in the neighbourhood of the lumber districts, so as to have the advantage of their local situation; but in many cases have now to purchase the privilege of those large holders, pay the Government Dues, and make the necessary improvements in buildings, roads, &c.; and this is not all but should the person, so purchasing said privilege, attempt to curtail any of the unreasonable charges of the holder of the license, he is at once dispossessed, and loses all the improvements made!

That petitioners beg to refer your Excellency to the return of an address of the Assembly, dated twenty-seventh of September, one thousand eight hundred and forty-two, calling for a detailed statement of duty paid, and the number of logs for which duty was paid at the office of the Crown in Bytown. This return will show that forty-eight persons had to pay the deposit of twenty-five per cent. for their licenses; and all the remainder, who are generally all merchants, and large holders of limits, have paid nothing as deposit, thus plainly demonstrating, that partiality exists in this department; where some are obliged to pay, and others are not; and petitioners further beg leave to state, that a report of a committee of the Municipal Council of the district of Sydenham, to his Excellency the late Sir Charles Bagot, was forwarded in September, one thousand eight hundred and forty-two, complaining of the Collector of Dues at Bytown; the copy of the answer and report are annexed, marked letter A. That the office is conducted by James Stevenson and John M'Naughton, Esquires, with partiality, favouritism, and injustice, in the granting of licenses, is shown by the affidavits annexed, marked letters B. C. D. E. F. That the petitioners are strong impressed with the belief, that there will be no fair competition as long as the present Collector and Surveyor are permitted to conduct the Crown office at Bytown, in the distribution of the waste lands of the Crown in this section of the Province, as it is evident to petitioners, that persons who have not

sufficient influence with either the one or the other, cannot under the present system expect justice, as there is no known means by which petitioners can obtain redress for the ruinous losses occasioned by the conduct of both the Surveyor and Collector in their departments. That petitioners most respectfully beg leave to hope, that your Excellency will be pleased to take such steps as will prevent the Collector at Bytown, whosoever he may be, from holding at the same time the Agency of any Banking Establishment; as the holding of both situations by the same individual, tends to create reciprocity of interests between the merchant and the Bank agent, who is also Collector, detrimental to the fair and impartial distribution of the wild lands of the Crown, as originally intended by the Government; and that it may also please your Excellency to cause the wild lands to be distributed as formerly, by allowing each license to contain no more than three miles front on any navigable stream, and that each limit so licensed, should be occupied, or that the license should be forfeited. This would, in the opinion of petitioners, in a great measure, prevent the ruinous monopoly at present existing by the conduct of the present Collector and Surveyor;

(174)

and petitioners beg further to state, that large quantities of white pine have been cut off the waste lands of the Crown, and taken away in saw logs, from the tributary streams of the Ottawa, between Hull and Grenville; and a great quantity of which was rafted up in sight of the office of the Collector, and taken away annually since the present Collector and Surveyor have conducted the Timber office; the duty on which has not been paid into the Government, as appears by the return to the address aforesaid, thereby causing a serious loss to the Province. That previous to the appointment of Mr. Stevenson; these saw logs were counted annually, and sometimes measured and averaged by the standard log; but these favoured individuals have been permitted to take away the logs without pay; or that, if paid, the amount has not been accounted for by the Collector, is evident to petitioners; in either way a serious loss to the country has arisen, besides creating a monopoly on the hands of large establishments, which do not pay for the same in proportion to the extensive limits granted to them under the present system. And further, that petitioners beg leave to state, that the letter of instructions, furnished with the return to the address of the Assembly, in one thousand eight hundred and forty-two, dated 30th March, has not been made public or acted on, only in such parts as suited the Collector, or Surveyor, or their friends and connections; and that the Surveyor has actually seized and sold timber at Bytown, without any forms of law, or even giving the owner of the same any opportunity to rebut the charges made by interested parties claiming limits, and who would generally procure the favour of the Surveyor, by employing him to run the lines in preference to other surveyors holding commissions and legally authorised to survey; and also that said M'Naughton has actually run lines, that had been

previously run by such licensed surveyors according to the license granted, and in an opposite direction from the course described: and altering the first survey, and seized the timber cut.

That petitioners most respectfully beg leave to represent the necessity of making such enactments as will place the granting of licenses in such a state that it will not depend upon the conduct of the Collector or Surveyor, but that the regulations to be adopted may be made public; and that the immense tracts held by mercantile houses, and their agents, and friends, amounting to a monopoly in the hands of the few, to the injury of the many, be so regulated, that a fair competition between all parties may be effected; and that such regulations may be adopted as will prevent the ruinous losses to individuals caused by the present system.

And your petitioners, as in duty bound, will ever pray.

(Signed)

PETER AYLEN,

And 155 others.

Aylmer, 22nd November, 1843.

(A.)

Copy of a Report of a Committee of the Municipal Council of the District of Sydenham, signed by one hundred and forty inhabitants of that District, complaining of the many acts of partiality and injustice of the Collector and Surveyor of the Timber Office in Bytown:

Your Committee beg leave to report that the subject matter of the Petition referred to its consideration, is out of the jurisdiction of this Council; that it would require investigation and inquiries, which the the Council has no authority to institute; but the matter being of the utmost importance to this District, your Committee would recommend that three copies be made by the Clerk of the Council, and one sent to each branch of the Legislature, with the most urgent prayer, that they would take the matter into their serious and favourable consideration.

The whole nevertheless humbly submitted.

(Signed)

D. B. PAPINEAU.
Chairman.

Aylmer, 7th September, 1842.

Moved by Doctor Leman, seconded by Richard Austen, Resolved, that the seal of the Council be affixed to a Report of a Committee, dated 7th September, 1842, and that the Clerk of the Council be authorised to sign the same, and fix the seal thereunto.

(Signed,)

SAMUEL W. SMITH,
District Clerk.

Aylmer, December 5, 1843.

LETTER A.

SECRETARY'S OFFICE,
Kingston, 26th September, 1842.

SIR,

With reference to the Report of a Committee of the Municipal Council of the District of Sydenham, on a petition from the inhabitants of that District, complaining of the conduct of the Agent for granting licenses for cutting timber at Bytown, I have the honour, by command of the Governor General, to inform you, that His Excellency will cause inquiry to be made into the subject, with a view to its receiving his attentive consideration.

I have the honour to be, &c.,

JAMES HOPKIRK,
Assistant Secretary.

D. B. PAPINEAU, Esquire, M. P. P.

(B.)

District of Sydenham,
Province of Canada. }

Personally came and appeared before me, James Blackburn, Esquire, one of Her Majesty's Justices assigned to keep the peace within the said District, Peter Aylen, of Aylmer, in said District, Lumber Merchant, who deposeth as follows: That from the knowledge he has acquired of the manner in which the Crown Timber Office in Bytown, is conducted, and from the transactions he has had with the Agent and Surveyor thereof, he (deponent) has good reason to believe, and verily does believe, that the granting of licenses to cut timber on the waste lands of the Crown, upon the bank of the river Ottawa and its

tributaries, is conducted by James Stevenson, the Agent, and John M'Naughton, the Surveyor, with partiality, favouritism, and injustice, to the damage of many, and to the benefit of others engaged in the lumber trade in this section of Canada.

(Signed)

PETER AYLEN.

Sworn before me at Aylmer,
this 19th October, 1842.

(Signed) JAMES BLACKBURN, J. P.

(C.)

District of Sydenham,
Canada East.

Personally came, and appeared before me, James Blackburn, Esquire, one of Her Majesty's Justices assigned to keep the peace within said District, Hugh M. Foulton, of Aylmer, in said District, who deposeth as follows: That from the knowledge he has acquired of the manner in which the Crown Timber Office in Bytown, is conducted, and from the transactions he has had with the Agent and Surveyor, thereof, he (deponent) has good reason to believe, that the granting of licenses to cut timber on the waste lands of the Crown, on the banks of the Ottawa river, and its tributaries, is conducted by James Stevenson, the Agent, and John M'Naughton, the Surveyor, with partiality, favouritism, and injustice, to

(175)

the damage of many, and the benefit of some individuals engaged in the lumber trade in this section of Canada.

(Signed)

HUGH M. BOLTON.

Sworn before me at Aylmer,
this 19th October, 1842.

(Signed)

JAMES BLACKBURN, J. P.

(D.)

District of Sydenham,
Canada East.

Personally came, and appeared before me, Charles Symmes, Esquire, one of Her Majesty's Justices of the Peace in said District, David T. Brown, of the Township of Horton, Bathurst District, who deposeth

as follows: That from the application he has made for license to cut timber on the waste lands of the Crown, and the conduct of the Agent and Surveyor, regarding the same, that deponent has good reason, and verily believes, that the granting of licenses by James Stevenson, and his Surveyor, John M'Naughton, at Bytown, is conducted with partiality, and favouritism, and injustice, to the serious injury of many, and gain of the few who are engaged in the lumber trade, in that part of the Province of Canada.

(Signed)

DAVID T. BROWN.

Sworn before me at Aylmer,
this 26th October, 1842.

(Signed)

CHARLES SYMMES, J. P.

(E.)

District of Sydenham,
Canada East. }

Personally came, and appeared before me, James Blackburn, Esquire, one of Her Majesty's Justices to keep the peace in said District, William Loan, of said District, Lumber Dealer, who deposeth as follows: That from the transactions he has had with the Collector of the Timber Office, Bytown, and also with the Surveyor, John M'Naughton, that deponent has good reason, and verily believes that the granting of licenses to cut timber on the waste lands of the Crown, is conducted with partiality, favouritism, and injustice, to the damage of some, and benefit of others engaged in the lumber trade, in this section of Canada.

(Signed)

WILLIAM LOAN.

Sworn before me at Aylmer,
this 29th November, 1843.

(Signed)

JAMES BLACKBURN, J. P.

(F.)

Province of Canada,
District of Montreal. }

Personally came, and appeared before me, William M. Dole, Esquire, one of Her Majesty's Justices, assigned to keep the peace within said

District, John Newman, Deputy Provincial Surveyor, for the Province of Canada, who deposeth and saith, that he has been employed in surveying several timber limits on the Ottawa river, and its tributary streams, between parties for timbering purposes, and that from the knowledge he has acquired while on such surveys; and from some transactions deponent has had with James Stevenson, Esquire, the Agent, and John M'Naughton, the Surveyor of the Crown Timber Office in Bytown, that he has good reason to believe, and verily does believe, that the granting of licenses to cut timber by the said Agent, and said Surveyor is conducted with favouritism, partiality, and injustice, to the great injury of the lumber trade in general; further this deponent saith not, and hath signed.

(Signed)

JOHN NEWMAN.

Sworn and signed before me at
Aylmer, 25th October, 1842.

(Signed)

W. M. DOLE, J. P.

Ordered, That the remaining Orders of the Day be postponed until Monday next, and that they be then the first Orders of the Day.

Then, on motion of Mr. Scott, seconded by Mr. Macdonell, of Dundas,

The House adjourned until Monday next.

APPENDIX, 17 JANUARY 1845.

((QUESTIONS AND ANSWERS RE: MONTREAL-PROVINCE LINE RAILWAY;⁴⁸ AND QUEBEC TURNPIKE ROADS.⁴⁹))

((DOCTOR BOUTHILLIER)) who spoke in French⁵⁰, a demandé, vendredi, au gouvernement, si c'est son intention de donner quelque aide ou encouragement à la construction d'un chemin de fer de Montréal à la ligne provinciale, et de là au nord de la mer, et si on donnera cet encouragement par prêt d'argent, ou en prenant des parts dans cette entreprise, ou en garantissant l'intérêt de l'argent que pourrait emprunter à cet effet la compagnie du chemin de fer.⁵¹

The Attorney General ((MR. J. SMITH)) replied that the subject was at present under the consideration of the Government, who had every disposition to afford encouragement to the plan,⁵² and had the subject under its careful consideration,⁵³ but who had not sufficient information before them to enable them to express an opinion, or state what they would do in the matter⁵⁴ at present⁵⁵.

M. CHAUVÉAU a demandé (sic) aux membres de la trésorerie si les informations et états demandés par la chambre au sujet des chemins de barrière de Québec seraient placés devant cette chambre dans le cours de cette session.⁵⁶

LE MINISTRE: - "Deux lettres ont été écrites aux commissaires des chemins: mais aucune réponse de leur part n'a encore été reçue?"⁵⁷

((WITHDRAWN MOTION RE: LOWER CANADIAN REBELLION LOSSES.⁵⁸))

MR. LEMOINE, ((moved)) to refer the petition from certain parties at LaColle, asking for compensation for losses incurred during the rebellion, to a Committee⁵⁹.

MR. ((J.)) SMITH, (Atty. Gen.) said, he was not prepared to recommend the prayer of the petition, and therefore would oppose its being referred to a Committee. The state of the finances would not admit of its being entertained.⁶⁰

Hear, hear, from MR. AYLWIN.⁶¹

((MR. J. SMITH continued:)) The Government had not the means of paying the losses incurred during the rebellion in Lower Canada: he was therefore compelled to vote against the motion.⁶²

M. MOFFATT dit qu'il y a des moyens.⁶³

MR. ((J. S.)) MACDONALD (Glengary) (sic), objected to the payment of any claims set up for losses during the rebellion, and made some

allusion to a petition presented by Mr. Scott, for losses incurred by parties at St. Eustache ... For his (Mr. McD's) part, as he had already said, he objected to all such claims and would therefore oppose the granting of any indemnity to parties who may have suffered losses during the Rebellion⁶⁴.

MR. ((J. A.)) MACDONALD (Kingston) concurred in the opinion of the Att'y General, as to this petition; if these grants were to be made to any, they must be made to all; and if they were to grant them to all, it would be necessary to look about them for means of raising the necessary funds. He, however, wished to know, why the Government should oppose this motion.⁶⁵

DR. DUNLOP was of opinion, that all the losses which had occurred to loyal subjects during the rebellion ought to be compensated; that was what he had contended for during the last four years; and why had it not been done? He had only to ask the hon. member for Kingston and the party who acted with him. - £1000 had been granted by the Parliament of Upper Canada, and yet nothing had been done; and why? because they could not find the money. Now he would tell the House where they might get the money. While there was a shilling in the pockets of the people, or an acre of land in the hands of Government, it was the duty of the House to recompence those persons who had suffered the misfortune of having their lands harried, and their houses burnt by the brigands and ruffians of the rebellion. There was money enough in the Province to make ducks and drakes on the St. Lawrence, and to cut two canals into one; they had contrived to find a million and a half of money for these purposes but they could not find means to pay those poor devils whose houses had been pulled down about their ears. He had been the other night very great upon law, and had been put into the box like a badger to be worried by two or three terriers, but they did not draw the badger. (Great laughter.) As would sometimes happen to terriers, they got jagged, and could not draw him. However, the English law made parishes responsible for any loss which was incurred by individuals by popular commotions; perhaps, however, tout cela est changé since the time he learnt these things, but if not, then he thought that what applied to a parish applied to a province with much greater force. Here was a peaceable parish, the people of which had had their church destroyed for the public good, and were the inhabitants and their worthy Curate, whom he had not the pleasure of knowing, as he had seen him but once in the lobby of the House, but who, as he was excessively fat, he entertained a great esteem for - were these people and their Curate to lose their Church without compensation? He (Dr. Dunlop) was one of two persons who had given orders for the destruction of the village of Chippewa - a thing which in peaceable times, both himself and his associate would have been hanged for; and were the inhabitants to have no other satisfaction for their losses than to be told - "It is all very true, if your houses had not been burnt, we should have been

shot down from behind them; but we can say nothing about paying for the damage." - He thought that every man in the Province who had a house to be destroyed was bound to respond to the just claims of those who asked for nothing more than to be placed in statu quo.⁶⁶

COL. PRINCE was in favor of all these losses being paid, and considered that the present petition ought to be referred to a Committee, and therefore, differed with the Attorney-General in this respect. It was not contrary to the Union Act that it should be referred to a Committee in the first instance to report upon. He (Col. Prince) was in favor of all these losses being paid, at least all the losses incurred by the loyal subjects of the Queen. He would take this opportunity of reverting to a Bill to which he had alluded on a former occasion, he meant the Bill of indemnity for the losses incurred in Upper Canada. He was surprised it had not been taken up by the Government; the inhabitants in his (Col. P.) neighbourhood although greatly attached to the Mother Country, their attachment would be much increased by the attention of the Government to their claims; but if these claims were rejected he could not answer for the consequences.⁶⁷

MR. JOHNSTON objected to any partial measure. Let the Governme((n))t bring in a bill to satisfy the claims of all loyalists. - He hoped the hon. gentleman would withdraw his motion.⁶⁸

OR

MR. JAMES JOHNSTON spoke ... in support of the motion⁶⁹.

MR. MOFFATT said, he was in favor of these claims being paid, but that he did not conceive the House was the proper place for the discussion of the question. As a friend of the government he would advise them to appoint a commission to enquire into the Rebellion claims and upon the Report of that commission, the government should bring the matter before the House. He (Mr. M.) was opposed to the present mode pursued, in bringing these claims before the House. He would therefore vote against the motion, but trusted that the government would take the matter up in the manner recommended. If there was no money in the chest at the disposal of the government to meet these just claims, means should be adopted to procure it.⁷⁰

MR. AYLWIN recommended the withdrawal of the motion, but, at the same time, declared that he was not satisfied with the explanation of the Attorney-General (Smith.) He (the Attorney General) had stated that there were no means.⁷¹

The Attorney General ((MR. J. SMITH))--No, no--funds.⁷²

MR. AYLWIN continued--He believed he understood the meaning of the distinction between funds and means--but in this case he could not see the difference, because, as stated by the Attorney General, the means were wanting to meet the demand.⁷³ His Excellency came down at the beginning of the session, with congratulation of the flourishing state of the revenue. If that were the case, then there must be some surplus to remunerate the Loyalists, and they must either do so or else establish that there are other claims on the Government of greater importance. His own opinion was that these people should raise amongst themselves sufficient to pay them, and not impose a tax for that purpose on the loyal parts of the Province when (sic) no disturbances took place.⁷⁴ It was too much to expect that the peaceable Districts of Quebec and Gaspé should be taxed, to pay the losses on the frontier; he contended that the losses should be paid by the people inhabiting the districts in which the Rebellion broke out - and that the inhabitants of the district and city of Montreal where the outbreaks took place should be called upon to pay for these losses.⁷⁵ He animadverted on the charge made against the late administration for not liquidating these claims and asked could not the Attorney General be now held up to reproach for pursuing the same course. The late ministry made an investigation and found there were no funds, and that the country was in debt, and therefore would not ask for one farthing beyond what was voted in the previous session.⁷⁶

MR. LEMOINE wished to withdraw his motion.⁷⁷

M. LE SOLLICITEUR-GENERAL ((H. SHERWOOD)), dit qu'en effet la réclamation est bien fondée, et qu'il ne voudrait pas s'associer à un gouvernement qui ne sympatiserait (sic) pas avec les loyaux habitants de l'époque qui ont souffert. Qu'il avait même reproché à la dernière administration de n'avoir proposé aucuns moyens (sic) pour régler ces réclamations par rapport au Haut-Canada. Il reprend le préopinant de blâmer l'administration actuelle pour ne pas avoir hâté un projet de cette nature, qu'il est bien facile de donner des avis, mais autre chose est de suggérer un plan capable de réaliser les moyens de liquider la dette. Que dans le Haut-Canada on se taxe dans ce but; la taxe se prélève sur les aubergistes et autres. Mais il ignore si la chose est faisable dans le Bas-Canada. Il n'est pas prêt à dire qu'on voulût s'y taxer. Il croit qu'on y est extrêmement chatouilleux sur cet article. Il se rappelle que dans la session dernière, on regarda comme un acte de grand courage moral qu'un honorable membre qui occupait alors une place aux blancs de la trésorerie (M. Morin) eût proposé une taxe sur les habitants du Bas-Canada dans les intérêts de l'éducation. Il serait pourtant désirable qu'on s'occupât d'une mesure sur le sujet dont il s'agit; qu'un comité serait peut-être un bon moyen pour mûrir un plan, et sugger (sic) comment on pourrait reconstruire (sic) les réclamations.⁷⁸

M. AYLWIN ... dit qu'il ne faudrait pas restreindre les réclamations dans les limites d'un terme qui sent trop l'esprit de parti, et que s'il

fallait n'indemniser que ceux qui étaient des "loyalistes" aux yeux d'un certain parti, on courrait le risque de commettre une injustice envers d'autres sujets non moins loyaux, mais qui n'avaient pas adopté ce titre comme distinction politique. Qu'à l'époque où l'on avait commencé à donner des indemnités pour les pertes essuyées en 1837 et 38, on appelait "loyalistes" les partisans outrés de l'Administration du jour⁷⁹.

On crie: non! non! à la droite⁸⁰.

M. AYLWIN dit que si, c'était là la signification qu'on donnait au terme dans le temps. Il approuve beaucoup les remarques de l'hon. membre pour Montréal (M. Moffatt), mais que comme l'Administration refusait d'adopter la mesure faute de moyen, il devait, quoique à regret, voter contre la motion de son hon. ami le membre pour Huntingdon; à moins qu'il ne la retirât.⁸¹

MR. LAFONTAINE spoke ... in French.⁸² ((Il)) se rappelle qu'on accusait l'administration dont il avait fait partie de ne pas payer les £30,000 approprié (sic), par la législature (sic) du Haut-Canada, pour les réclamations en question. Maintenant on modifie l'accusation. Cependant l'administration n'avait pas négligé alors de nommer un comité pour examiner le sujet; mais ce comité n'avait pas fait son rapport, attendu la prorogation subite du parlement. Que lui M. L. avait déjà eu alors l'occasion de faire voir que les £30,000 ne faisaient pas partie du fonds consolidé de la province. (L'hon. orateur s'appuie des journaux de la chambre dont il lit des passages sur le sujet.) Que l'on ne doit pas oublier l'énorme dette dont le Haut-Canada a déjà grevé la province, et dont les intérêts vont absorber les fonds disponibles. Quant à l'allusion faite par l'hon. membre pour Toronto au bill introduit dans la session par son hon. et intime ami pour Bellechasse et au discours que fit alors son hon. ami pour l'Islet, lui M. Sherwood avait trop appuyé sur la nécessité où l'on avait été de taxer les habitants du Bas-Canada pour l'éducation. Que les Canadiens avaient fait voir combien ils étaient prêts à seconder d'aussi louables efforts. Du reste, après ce que venait de dire l'hon. monsieur, il était singulier que ses partisans eussent prétendu reprocher à la dernière administration cette taxe qu'on loue maintenant, et dont on s'était fait une arme contre les ex-ministres dans les dernières élections.

Que ce n'est pas au gouvernement à nous reprocher le manque d'éducation publique. On s'est étudié à nous en priver. Les Canadiens-français pouvaient encore se rappeler avec orgueil qu'ils doivent leur éducation scholastique à leurs ancêtres dont les établissements se sont perpétués jusqu'à nous. Que nous avons des écoles sous notre premier gouvernement, tout despotique qu'il était. Oui sous ce gouvernement despotique, il le répète, le pays était mieux pourvu sous ce rapport que sous notre gouvernement constitutionnel actuel. Que nos ancêtres nous ont laissé les plus beaux édifices du pays (le collège des Jésuites) où l'on enseignait jadis la science à la jeunesse canadienne. Qu'on ne

passee pas à Québec, l'ancienne capitale du Bas-Canada, sans admirer ces (sic) édifices, et sans se sentir profondément affligé de l'usage qu'on en a fait depuis. (Vive sensation.) Quand (sic) aux remarques de l'hon. membre pour Montréal, il y concourt avec plaisir pourvu qu'elles ne s'appliquent pas à une classe, exclusivement, mais à tous les habitants fidèles du pays qui ont souffert par suite des troubles.⁸³

MR. CHRISTIE said it was the opinion of all the loyalists in the province that these claims should be satisfied, and would support any measure the Government would introduce to that effect.⁸⁴

MR. ((GEORGE)) MACDONELL (Dundas) said, that if the hon. member who had introduced this motion, meant to withdraw it, because the government had told the House, that it had no funds for the purpose of meeting the claim set up, he would agree with him in the propriety of doing so; but if he wished to withdraw it upon the ground that the presentation of the petition, was an unconstitutional act, he would certainly oppose him. It was true that advice from him (Mr. Macdonald) might not be very valuable, but yet he would advise the gentlemen on the Treasury Benches, not to oppose the right of the people to petition. The hon. member concluded by expressing his hope, that the boon spoken of in the address, by which the power of taxation would be again put into the hands of the Provincial Parliament, would be speedily granted; and then the country would again enjoy the happiness which it had experienced, before this beautiful Responsible Government cost it £80,000 per annum.⁸⁵

La motion est retirée sans division ((par M. LEMOINE)).⁸⁶

FOOTNOTES - 17 JANUARY 1845.

1. The debate on this motion was reported by: MONTREAL TIMES AND ADVERTISER, whose account was copied by the BROCKVILLE RECORDER, 6 February 1845; L'AURE, 21 January 1845; LE JOURNAL DE QUEBEC, 23 January 1845; and MONTREAL GAZETTE, 21 January 1845.
2. MONTREAL GAZETTE, 21 January 1845.
3. BROCKVILLE RECORDER, 6 February 1845.
4. MONTREAL GAZETTE, 21 January 1845.
5. BROCKVILLE RECORDER, 6 February 1845. Gowan's and Duggan's names have been printed together because there is no way to determine specifically which man's words are being reported in this section.
6. MONTREAL GAZETTE, 21 January 1845.
7. IBID.
8. The debate on this resolution was reported in: MONTREAL TIMES AND ADVERTISER, whose account was copied by the BROCKVILLE RECORDER, 6 February 1845; KINGSTON NEWS, 23 January 1845, copying MONTREAL GAZETTE, 18 January 1845; L'AURE, 21 January 1845; and MONTREAL TRANSCRIPT, 18 January 1845.
9. MONTREAL TRANSCRIPT, 18 January 1845.
10. IBID.
11. KINGSTON NEWS, 23 January 1845.
12. IBID.
13. IBID.
14. BROCKVILLE RECORDER, 6 February 1845.
15. KINGSTON NEWS, 23 January 1845.
16. BROCKVILLE RECORDER, 6 February 1845.
17. KINGSTON NEWS, 23 January 1845.
18. BROCKVILLE RECORDER, 6 February 1845.
19. MONTREAL TRANSCRIPT, 18 January 1845.
20. KINGSTON NEWS, 23 January 1845.
21. BROCKVILLE RECORDER, 6 February 1845.
22. KINGSTON NEWS, 23 January 1845.
23. BROCKVILLE RECORDER, 6 February 1845.
24. IBID.
25. MONTREAL TRANSCRIPT, 18 January 1845.
26. KINGSTON NEWS, 23 January 1845. According to this paper, Mr. Johnston agreed with these statements.
27. MONTREAL TRANSCRIPT, 18 January 1845.
28. KINGSTON NEWS, 23 January 1845.
29. BROCKVILLE RECORDER, 6 February 1845.
30. The debate on this motion was reported by: MONTREAL TIMES AND ADVERTISER, whose account was copied by the BROCKVILLE RECORDER, 6 February 1845; LA MINERVE, 20, 23 January 1845; and LE JOURNAL DE QUEBEC, 23 January 1845. LA REVUE CANADIENNE, 25 January 1845, provides a commentary on the debate which it described as "une discussion très vive".
31. LA MINERVE, 23 January 1845.
32. BROCKVILLE RECORDER, 6 February 1845.
33. LE JOURNAL DE QUEBEC, 23 January 1845.
34. IBID.

35. LA MINERVE, 23 January 1845.
36. IBID.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. IBID.
44. IBID.
45. IBID.
46. IBID.
47. IBID.
48. This exchange was reported by: LE JOURNAL DE QUEBEC, 23 January 1845; MONTREAL TRANSCRIPT, 18 January 1845; KINGSTON NEWS, 23 January 1845, copying MONTREAL GAZETTE, 18 January 1845; and L'AUREOLE, 21 January 1845.
49. This exchange was reported by: LE JOURNAL DE QUEBEC, 23 January 1845; and KINGSTON NEWS, 23 January 1845.
50. KINGSTON NEWS, 23 January 1845.
51. LE JOURNAL DE QUEBEC, 23 January 1845.
52. MONTREAL TRANSCRIPT, 18 January 1845.
53. KINGSTON NEWS, 23 January 1845.
54. MONTREAL TRANSCRIPT, 18 January 1845.
55. KINGSTON NEWS, 23 January 1845.
56. LE JOURNAL DE QUEBEC, 23 January 1845.
57. IBID.
58. The debate on this motion was reported by: MONTREAL TRANSCRIPT, 18 January 1845; KINGSTON NEWS, 23 January 1845, copying MONTREAL GAZETTE, 18 January 1845; L'AUREOLE, 21 January 1845; LA MINERVE, 20, 23 January 1845; MONTREAL GAZETTE, 21 January 1845; PILOT, 22 January 1845; MONTREAL TIMES AND ADVERTISER, whose account was copied by the BROCKVILLE RECORDER, 6 February 1845; and it was noted in the PILOT, 3 February 1845.
59. MONTREAL GAZETTE, 21 January 1845.
60. IBID.
61. IBID.
62. IBID.
63. LA MINERVE, 23 January 1845.
64. MONTREAL GAZETTE, 21 January 1845, which noted: "We could not exactly make out the meaning of the allusion, but believe the speaker meant to say that the government did not object to the St. Eustache Petition because ((it was)) presented by Mr. Scott, a supporter of the Ministry, but that they objected to the present because it was presented by one of the opposition."
65. BROCKVILLE RECORDER, 6 February 1845.
66. IBID.
67. MONTREAL GAZETTE, 21 January 1845.
68. BROCKVILLE RECORDER, 6 February 1845.
69. MONTREAL GAZETTE, 21 January 1845.

70. IBID.
71. IBID.
72. IBID.
73. IBID.
74. BROCKVILLE RECORDER, 6 February 1845.
75. MONTREAL GAZETTE, 21 January 1845.
76. BROCKVILLE RECORDER, 6 February 1845.
77. IBID.
78. LA MINERVE, 23 January 1845.
79. IBID.
80. IBID.
81. IBID.
82. KINGSTON NEWS, 23 January 1845. The paper noted that LaFontaine spoke "at great length".
83. LA MINERVE, 23 January 1845.
84. BROCKVILLE RECORDER, 6 February 1845.
85. IBID.
86. LA MINERVE, 23 January 1845.

MONDAY, 20 JANUARY 1845.

(175)

County of
Saguenay.

MR. Speaker informed the House, that the Clerk of this House had received from the Clerk of the Crown in Chancery, a certificate of the election of a Member for the county of Saguenay, in the room of the Honourable Augustin Norbert Morin, who having been elected for the counties of Saguenay and Bellechasse, made his election for the said county of Bellechasse.

And the said certificate was read, and is as followeth:--

Province of Canada.

Office of the Clerk of the Crown in Chancery,
Montreal, 20th January, 1845.

This is to certify, that in virtue of a Writ of Election, dated the nineteenth day of December last past, issued by His Excellency, the Governor in Chief, and directed to the Returning Officer for the County of Saguenay, (Charles Pierre Huot, Esquire,) for the election of one Member for the said County of Saguenay, in the room of the Honourable Augustin Norbert Morin, who having been chosen a knight to serve in this Parliament for the County of Saguenay, and also for the County of Bellechasse, has made his election for the said County of Bellechasse, by means whereof the said County of Saguenay stood unrepresented. The Honourable M. P. DeSales Laterriere has been returned as duly elected, accordingly, as appears by the return of the said Writ, dated the fourteenth day of January, instant, which is lodged of record in my office.

FELIX FORTIER,
Clerk of the Crown in Chancery.

To W. B. LINDSAY, Esquire,
Clerk of the Legislative Assembly.

Bank
Statements.

Mr. Speaker laid before the House, general statements of the affairs of the Quebec Bank, of the Bank of Montreal, of the City Bank of Montreal, and of the Commercial Bank of the Midland district, Kingston, received in conformity to an order of the House of the tenth instant.

(For the said General Statements, see Appendix Q.)

Also,

Trinity House,
Quebec.

Accounts of the Trinity House, Quebec, for the year ended the 31st December, 1844, received

in conformity to the 20th section of the Act, four and five Victoria, chapter 15.

(For the said Account, see Appendix E.)

The following Petitions were severally brought up, and laid on the table:--

(176)

Petitions
brought up.

By Mr. Colvile, the Petition of William Barrett and others, the commissioners of common schools, in the township of Hemmingford, in the county of Beauharnois.

By Mr. Meyers, the Petition of James Wilson, of the township of Murray.

By the Honourable Mr. Baldwin, the Petition of Robert E. Burns and others, members of the legal profession.

By Mr. Armstrong, the Petition of Ambroise Lepine and others, of the parish of St. Barthelemi, in the district of Montreal.

By Mr. Brooks, the Petition of Bernard Young, of Compton, and the Petition of Alanson Cummings and others, of Compton.

By Mr. Smith, of Wentworth, the Petition of William Binkley, and Eduard Lyons, of the township of Ancaster, in the county of Wentworth.

By Mr. Chalmers, the Petition of George Rolph, of the township of West Flamborough, in the county of West Halton.

By Mr. Price, the Petition of the Home district Mutual Insurance Company.

By Mr. Webster, the Petition of Thomas R. Brock and others, members of the United Church of England and Ireland, in the township of Guelph, in the diocese of Toronto.

By Mr. Cummings, the Petition of George Rowe and others, of the villages of Chippewa and Drummondville, in the district of Niagara.

By Mr. Johnston, the Petition of S. S. Strong and others, members of the United Church of England and Ireland, in Bytown and its vicinity.

By Mr. Sherwood, of Brockville, the Petition of H. Williams, of North Augusta; the Petition of John Bacon and others, of Brockville and its vicinity, in the district of Johnstown; and the Petition of R. P.

Coltair and others, of Brockville and its vicinity.

By Mr. Roblin, the Petition of Peter M'Donald and others, of the district of Prince Edward.

By Mr. Merritt, the Petition of H. Mittleberger and others, of St. Catharines, in the Niagara district.

By Mr. Lawrason, the Petition of John Johnstone and others, members of the United Church of England and Ireland, in Carradoc and parts adjacent.

By Mr. Jessup, the Petition of S. Crane and others, of the district of Johnstown.

By Mr. Smith, of Frontenac, the Petition of Henry Howard, M. D., and others, members of the United Church of England and Ireland, in Amherst Island, and the Petition of John Kirby and others, members of the United Church of England and Ireland, in Kingston and its vicinity, in the diocese of Toronto.

By Mr. Ermatinger, the Petition of W. W. Hatelie and others, of the township of Mosa, in the district of London.

By the Honourable Mr. Aylwin, the Petition of Charles Smith, and Anthony Anderson, of Quebec.

By Mr. Dunlop, the Petition of Mrs. Jennet Roy, widow of the late Thomas Roy, Civil Engineer, of the city of Toronto.

By the Honourable Mr. DeBleury, the Petition of the Mayor, Aldermen, and citizens of the city of Montreal, (relating to further amendments to the Acts of Incorporation).

By Mr. Seymour, the Petition of Jacob Smith and others, of the Midland district.

By Mr. Duggan, the Petition of George Wright and others, of the Home and Simcoe districts.

Stormont
Election.

Mr. Méthot, chairman of the Select Committee appointed to try the merits of the Petition of Alexander M'Lean, Esquire, and others, Electors of the county of Stormont, complaining of the undue election and return of Donald AEnear MacDonell, Esquire, Sitting Member for the said county of Stormont, reported to the House that the Committee met this morning at ten o'clock, but were unable to proceed to business, in consequence of the absence of Mr. Watts, one of their number, and therefore, after

waiting until eleven o'clock, adjourned until to-morrow.

The Honourable Mr. Aylwin handed in an additional list of witnesses, in the matter of the contested election for the Third Riding of the county of York, on behalf of the Sitting Member of the said Third Riding of the county of York, which was read by the Clerk, and is as followeth:--

An additional List of Witnesses put in by the sitting Member for the Third Riding of the County of York, under the order of the Legislative Assembly of the eighth instant; to be examined before the Commissioners appointed to take evidence in the matter of the Petition of Robert Harrison and others, complaining of the undue election and return of James Edward Small, Esquire, to represent the said Riding in Parliament.

Frederick Chase Capreol, of the city of Toronto, Auctioneer.
John Ridout, of the city of Toronto, Esquire.
Samuel Ridout, of the city of Toronto, Esquire.
Andrew T. M'Cord, of the city of Toronto, Esquire.
Robert Beekman, of the city of Toronto, Land Agent.
Charles Kellar, of the township of Markham, Gentleman.
John Duggan, of the city of Toronto, Esquire.
Francis Boyd, of the township of Vaughan, Esquire.
John M. Murchison, of the city of Toronto, Tailor.
William B. Winterbottom, of the town of Niagara, Esquire.
Robert Beard, of the city of Toronto, Deputy Sheriff.
Thomas D. Harris, of the city of Toronto, Ironmonger.
Robert J. Turner, of the city of Toronto, Solicitor.
Henry Sullivan, of the city of Toronto, Esquire.
Colley Foster, of the city of Toronto, Esquire.
Honourable Mr. Justice Hagerman, of the city of Toronto.
James M'Gill Strachan, of the city of Toronto, Esquire.
Samuel G. Lynn, of the city of Toronto, Esquire.
John Crawford, of the city of Toronto, Esquire.
Secker Brough, of the city of Toronto, Esquire.
Archibald G. M'Lean, of the city of Toronto, Esquire.
William C. Keele, of the city of Toronto, Solicitor.
Thomas Ewart, of the city of Toronto, Esquire.
Joseph C. Morrison, of the city of Toronto, Esquire.
Robert Lynn, of the township of York, Dy. P. Surveyor.

Petitions read.

Pursuant to the Order of the Day, the following
 Petitions were read:--

Of Patrick Brennan, of the city of Montreal, praying to be indemnified for the destruction of his property in consequence of the riots during the last municipal elections for the said city.

Of Ralph Foster and others, of the township of Mersea, in the Western district, praying that the prayer of a Petition of the Western District Council, for protection to the growers of tobacco in this Province, may be granted.

Of the Reverend F. X. Delâgé and others, of the county of L'Islet, praying that the Registry Office for the said county may be removed to the parish of L'Islet.

(177)

Of Edwin Pridham and others, of Grenville, and other places on the Ottawa river, praying for a grant of £8,000 to erect bridges over the rivers intersecting the road between Grenville and Hull.

Of James Porter and others, boot and shoemakers, of the town of Picton, in the district of Prince Edward, praying for a duty of 30 per cent on manufactured leather, imported from the United States.

Of John Wetenhall and others, of the township of Nelson, in the district of Gore, praying that the application of the Church Society of the diocese of Toronto, respecting the Clergy Reserves, may not be complied with, in so far as it may affect the interests of any persons now in occupation of Clergy Lands, but that such Lands may be sold according to the provisions of the Imperial statute, 3rd and 4th Victoria, chapter 78.

Of John White and others, lumberers, of the county of Dundas, praying for the passing of a law, to require all mill-dams on the Petite Nation river to be so constructed as not to impede the navigation or the ascent of fish.

Of D. Davidson, for himself, and the other directors of the High School of Montreal, praying for an aid in money, to reimburse the outlay made in establishing the School.

Of Samuel Clark and others, of the Midland district, praying for a grant to make a road from Kingston to the river Ottawa.

Of John Mathewson and others, soap and candle manufactures, of the city of Montreal, praying for an increase of the duties on foreign soap and candles.

Of Gabriel Marchand, of St. Johns, praying remuneration for his trouble and expenses as Commissioner on the contested election of Ralph Taylor, Esquire, for the county of Missisquoi, in 1830.

Of John Somerville and others, of the townships of Godmanchester and Hinckinbrook, in the county of Beauharnois, praying for aid to construct a road, leading from the said township to the city of Montreal.

Of Simeon Flint and others, of Shipton and other places, praying aid for a road in the said townships.

Of James Breakenridge, of Canada West, praying for certain amendments to the Common School Law; for a grant of Land to the militia who served during the rebellion; that no man of doubtful loyalty be recommended to office; that district Councils be abolished; for a revival of the forty shilling Act; that juries be paid for their time at Court; that the militia be rendered more efficient; and Provincial Regiments organized; that a macadamized road may be made from Quebec to Lake Huron, and other main roads improved; that the Seat of Government be returned to Canada West; that the Cananogue waters may be made navigable; that fees may be reduced, and the practice of the law simplified; that Asylums may be provided for the lame, deaf, blind and insane, and comforts for the poor; that the right to solemnize matrimony be not extended to every denomination; that heavy duties be imposed upon American products; and that a stop be put to the draining off to the United States of all the money expended on Public Works.

Of Thomas W. Lloyd and others, merchant traders, and citizens of Quebec, praying that measures be adopted to prevent persons, unacquainted with the trade of Ship stowers, from practising the same at the port of Quebec.

Of the Reverend L. O. Desilets and others, of the parish of St. Barnabé, in the county of St. Maurice; of the Reverend S. J. A. Dumoulin and others, of the parish of Ste. Anne d'Yamachiche, in the district of Three Rivers; and of Louis Pratt and others, of the parish of St. Joseph de Maskinongé, in the county of St. Maurice, praying that no change may be made in the present law regulating winter carriages.

Of Charles Willard and others, Merchant Seamen, and Shipowners, of the Province of Canada, praying that the duty on American timber be so regulated as to afford protection to the owners of British vessels navigating the lakes of Canada.

Of Mrs. M. C. Alfaro, widow of the late Carleton Allsopp, complaining that by the Act 59, George the Third, chapter 27, her late husband was unjustly deprived of certain rights and privileges in the seigniority of Jacques Cartier and D'Auteuil, and praying relief.

Of L. J. M'Nair and others, of the district of Quebec, praying for an aid to improve the Côte de Jacques Cartier.

Of W. M. Copp and others, of the county of Stanstead, praying for a grant of one thousand pounds to enable them to repair the road from Stanstead to Montreal.

Of the Montreal Board of Trade, praying that further improvement be

made in the navigation of the river Ottawa.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

MR. SPEAKER,

Heirs and
Devisees.

The Legislative Council have passed the Bill, intituled, "An Act to repeal certain Acts therein mentioned, and to make better provision for the relief of parties claiming lands in Upper Canada, for which no Patent hath issued, as representing the original Nominees of the Crown," without any amendment.

And then he withdrew.

Petitions
referred.

C. De Witt
and others.

Ordered, That the Petition of Charles DeWitt and others, of the township of Godmanchester, in the district of Montreal, be referred to the Select Committee to which was referred the Petition of Jonathan Merry and others, inhabitants of the townships of Bolton and Hatley, in the county of Stanstead, and other references.

Resolved, That the Petition of John D. M'Kenzie and others, of the township of Beverley, in the district of Gore, and other places, be referred to a Select Committee, composed of Mr. Dickson, Mr. Prince, Mr. Chalmers, Mr. Webster, and Mr. Roblin, to examine the contents thereof, and to report thereon with all convenient speed, by bill or otherwise; with power to send for persons, papers, and records.

D. M'Dougall.

Ordered, That the Petition of Daniel M'Dougall, of the town of Niagara, be referred to the Standing Committee on Private Bills.

Rev. T. Green
and others.

Ordered, That the Petition of the Reverend Thomas Green and others, members of the United Church of England and Ireland, in the township of Niagara and its vicinity, be referred to the Select Committee to which was referred the Petition of the Church Society of the diocese of Toronto, and other references.

J. Smith
and others.

Ordered, That the Petition of Joel Smith and others, members of the United Church of Eng-

(178)

Rev. W. Leeming
and others.

land and Ireland, in the township of Grimsby; and the Petition of the Reverend William

Leeming and others, members of the United Church of England and Ireland, in the village of Chippewa, in the diocese of Toronto, be referred to the said Committee.

Revd. L. O. Desilets and others.

Ordered, That the Petition of the Reverend L. O. Desilets and others, of the parish of St. Barnabé, in the county of St. Maurice; the Petition of the Reverend S. J. A. Dumoulin and others, of the parish of Ste. Anne d'Yamachiche, in the district of Three Rivers; and the Petition of Louis Pratt and others, of the parish of Ste. Joseph de Maskinongé in the county of St. Maurice, be referred to the Select Committee to which was referred the Petition of Michel Houle, and others, of the city of Montreal, Carters, and other references.

J. Arthur and others.

Ordered, That the Petition of John Arthurs and others, of the township of Adelaide, be referred to the Select Committee to which was referred the Bill for better defining the limits of the counties and districts in Upper Canada; for erecting certain new townships; for detaching townships from some counties and attaching them to others; and for other purposes relative to the division of Upper Canada into townships, counties, and districts.

A. Campbell, junior, and others, Law Students.

Resolved, That the Petition of A. Campbell, junior, and others, Law Students of the city of Quebec, be referred to a Select Committee, composed of the Honourable Mr. Aylwin, Mr. Chabot, Mr. Chauveau, Mr. Drummond, the Honourable Mr. LaFontaine, the Honourable Mr. Morin, and the Honourable Mr. Solicitor General Sherwood, to examine the contents thereof, and to report thereon with all convenient speed, with power to send for persons, papers and records.

T. W. Lloyd and others.

Resolved, That the Petition of Thomas W. Lloyd and others, merchants, traders, and citizens of Quebec, be referred to a Select Committee, composed of the Honourable Mr. Aylwin, the Honourable Mr. Moffatt, Mr. Leslie, Mr. Chabot, Mr. Greive, and Mr. Christie, to examine the contents thereof, and report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers and records.

Municipal Council, District of Niagara.

Mr. Cummings, from the Select Committee to which were referred the several Petitions of the Municipal Council of the district of Niagara, with power to report from time to time, presented to the House the Second Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee have considered the Petition of the said District Council, praying that the owners of land in that District may be compelled to make returns of the same to the District Treasurer, and they would beg to remark, that the Act of 6 Geo. 4, cap. 7, which requires the owner or occupier of land, not surveyed by or under the Surveyor General, to make a return of the same to the District Treasurer for the purpose of having it assessed, is defective, in as much as it is confined in its operations to land surveyed previous to July, 1825, and there being no law to require the owners of land, subsequently surveyed, to make such return, the District is unjustly deprived of the revenue which would accrue therefrom. To remedy this evil, your Committee would recommend that a law be passed to extend the provisions of the above-mentioned Act, making the same applicable to all such lands not surveyed, in manner aforesaid, as may have been surveyed up to the time of its passing, and also to require that the owners of such lands do pay their proportion of taxes on the same from the time of their first occupation.

Mr. Cummings, from the Select Committee to which were referred the several Petitions of the Municipal Council of the district of Niagara, with power to report from time to time, presented to the House the Third Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee have examined the Petition of the said District Council, which relates to the taking of fish in the Twenty Mile Pond in that District. The Pond in question has, until a few years ago, yielded an abundant supply of fish; but in consequence of the very injurious system pursued by fishermen of drawing and setting seines and wears on the marsh at the entrance of the Pond, the spawn are destroyed, and the fishery nearly ruined. Your Committee would conceive it advisable, in order to save the fishery from destruction, to pass a law rendering it illegal to catch or take fish in the said Pond, except with the spear, or hook and line.

MR. WILLIAMS¹ moved, seconded by MR. MYERS, to bring in a bill to extend the provisions of the act of the 9th of Geo. the 4th to other denominations of Christians than those therein mentioned. He wished to state to the House that great inconvenience was experienced by various denominations of Christians in Upper Canada in consequence of their legal disability to hold the land on which their churches are built. The object of the present bill was to extend the provisions of that act to all denominations of Christians who hold the essential doctrines of the Gospel². He remarked that in the first Session of the last Parliament he had introduced a similar measure, but general in its character, which had passed, and been sent to the Legislative Council and there received certain amendments which were distasteful to the House. He had again introduced a similar measure in the last Session when it met with the same fate. He had now made the application of its provisions less general; he had introduced a test, and its provisions were to apply

only to those sects who acknowledged the divine inspiration of the old and new Testaments, and the doctrine of the Holy Trinity.³

(178)

Religious
Societies
Relief.

Ordered, That Mr. Williams have leave to bring in a Bill to extend the provisions of a certain Act of Parliament of the Province of Upper Canada, passed in the ninth year of the Reign of His late Majesty, King George the Fourth, intituled, "An Act for the relief of the Religious Societies therein mentioned" to other denominations of Christians than those therein enumerated.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Monday next.

Middlesex
Election.

Ordered, That the Select Committee appointed to try the merits of the Petition of William Notman, of Dundas in the Gore district, complaining of the undue election and return of Edward Ermatinger, Esquire, to represent the county of Middlesex, in this present Parliament, have leave to adjourn until Saturday the fifteenth day of March next.

Tax on Dogs
and Tem-
perance
Houses.

Ordered, That Mr. Cummings have leave to bring in a Bill to empower the district councils in Upper Canada, to impose a tax on Dogs, and to regulate Temperance Houses within their respective districts.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Monday next.

Post Office.

Ordered, That two hundred and fifty copies of the Message of His Excellency, the Governor General, with the documents accompanying the same, in answer to the Address of this House of the thirteenth instant on the subject of the Post Office Department in this Province, be printed in each of the English and French Languages, for the use of the members of this House.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, laid before this House by command of His Excellency, the Governor General,

Montreal Tolls.

Return to an Address from the Legislative Assembly to His Excellency, the Governor General, praying that His Excellency will be pleased to lay before this House a statement of the cost of macadamizing and keeping in the repair, the

roads leading from Montreal to Lachapelle's Bridge, with the amount of Tolls thereon received, and any other information which His Excellency may think proper to communicate on the subject.

(179)

OFFICE OF THE TURNPIKE TRUSTEES,
Montreal, 20th December, 1844.

SIR,

I have the honour to acknowledge the receipt of your communication, dated 14th December, 1844, transmitting a copy of an Address of the House of Assembly, for certain particulars of information relative to the Montreal Turnpike Trust, and requesting the Trustees to furnish His Excellency with a Report of the same in compliance with the requirements of the Address.

By direction of the Trustees, I transmit to you herewith, two statements, numbered one and two, exhibiting, Firstly: The cost of making, and of keeping in repair, the Turnpike Road, leading from the city of Montreal to Lachapelle's Bridge, including cost of Toll-House, and compensation made for damages to lands by the making of the Turnpike, from the formation to date; and, Secondly: The amount of Receipts at the Toll-gate on that road, from its establishment to date.

I am, &c.,

(Signed) JAMES HOLMES,
Secretary of the Turnpike Trustees.

The Hon. D. DALY,
Provincial Secretary, Montreal.

N U M B E R O N E.

STATEMENT exhibiting the cost of making, macadamizing, and keeping in repair the Turnpike Road leading from the City of Montreal to Lachapelle's Bridge, including cost of Toll House and compensation for damage to Lands, from the formation of the Turnpike, to date.

Cost of making Road, macadamizing and repairs, including Toll House.	Compensation for damages to Lands.	Repairs to 31st December, 1842.	Repairs to 31st December, 1843.	Repairs to 31st July, 1844.	Repairs to 20th December, 1844.	TOTAL.
£ s. d. 7092 12 5	£ s. d. 60 1 8	£ s. d. 1255 0 0	£ s. d. 429 10 11	£ s. d. 160 14 5	£ s. d. 46 13 9	£ s. d. 9044 13 2

992

Certified by the undersigned,

JAMES HOLMES,

Secretary to the Trustees of the
Montreal Turnpike Roads.

MONTREAL, 20th December, 1844.

N U M B E R T W O .

STATEMENT of Amount of Tolls received at the Toll Gate on the Turnpike Road of the Montreal Turnpike Trust, leading from the City of Montreal to Lachapelle's Bridge, from the establishment of the Toll Gate to date.

From establishment of Gate to 31st December, 1841.	From 1st January to 31st December, 1842.	From 1st January to 31st December, 1843.	From 1st January to 31st July, 1844.	From 31st July to 20th December, 1844.	TOTAL.
£ s. d. 500 8 2	£ s. d. 957 6 4	£ s. d. 932 6 10	£ s. d. 543 6 0	£ s. d. 397 19 8	£ s. d. 3331 6 10

Certified by the undersigned,

JAMES HOLMES,
Secretary to the Trustees of the
Montreal Turnpike Roads.

MONTREAL, 20th December, 1844.

(180)

St. Hyacinthe
Election.

The Order of the Day for taking into consideration the Petition of Léonard Boivin and others, electors of the county of St.

Hyacinthe, complaining of the undue election and return of Thomas Boutillier, Esquire, for the said county of St. Hyacinthe, being read,

Ordered, That the said Order of the Day be postponed until Wednesday next, and that it be then the second Order of the Day.

Yamaska
Election.

The Order of the Day for taking into consideration the Petition of J. G. Barthe and others, electors of the county of Yamaska,

complaining of the undue election and return of Léon Rousseau, Esquire, for the said county of Yamaska, being read,

Ordered, That the said Order of the Day be postponed until Wednesday next, and that it be then the third Order of the Day.

The Solicitor General ((MR. H. SHERWOOD)) complained of the incorrect manner in which the orders of the day had been printed; and that on his application for a translation of the petition against Mr. Barthe, he was told it could not be made without further assistance. He mentioned this last subject, because he wished to be prepared by the time the petition came on for consideration.⁴

(180)

Attachment
of Salaries.

The Order of the Day for the second reading of the Bill to authorize to a certain extent, the seizure and attachment of official salaries

towards payment of the incumbent's debts, being read,⁵

MR. ATTORNEY GENERAL ((J.)) SMITH stated, that he had a few objections to the Bill; in the first place, it was introducing a principle not known either in England or France; and as affecting the salaries of public officers might lead to the serious embarrassment of public business, by causing them to resign their appointments, when it would be difficult to supply their places with competent persons. He objected to the Bill also because it imposed an extraordinary duty upon the Receiver-General, in whose hands these salaries were to be arrested. If tradesmen would adhere to the principle not to give credit to such officers as did not pay regularly, it would be much better and safer than to legislate for a particular class, for the sake of introducing a principle not known in other countries. He had no objection that the Bill should be referred to a Committee to revise it.⁶

COL. PRINCE said, that he approved of the principle of the Bill. He did not see why the salary of a public officer should not be

attached for his debts, as well as the property of others. The honorable Attorney General had said, that the principle was not known in England; he (Col. P.) was not sure of that; the Recorder of London, the Clerks of the Peace and Town Clerks were liable to the attachment of their salaries; nor were officers of the Army exempt, for if a half-pay officer came before the Insolvent Court, before he was ordered to be discharged, a certain part of his pay was set aside for the payment of his debts. He was at a loss to conceive what wrong there was in a principle which only provided for the payment of the honest creditor. He did not think it would be right to take from a public officer depending upon his mental exertion, the whole of his salary, and thus leave him without the means of support, but he was an advocate for a portion being made liable to attachment. He trusted the member for Gaspé would refer the Bill to a Committee, to remove the objections which had been urged by the hon. Attorney General, and also to enlarge its operation, so that not only the salaries of government officers, but those of the Treasurers of Districts, Clerks of the Peace, Clerks of District Councils, and other officers receiving stated salaries from the District Treasury, might be attached for the payment of debts. He would allude to an instance which had occurred in his own knowledge:-- A Clerk of a District Council, which he would not name, and who was in the receipt of £150 a-year, for doing very little work, had become involved in debt through reckless extravagance, and had been for two years living like a gentleman within the limits of the gaol, and laughed at his creditors. He thought if the large fish were attacked, that the small ones should not be spared.⁷

MR. SOLICITOR GENERAL ((HENRY)) SHERWOOD said, that he thought the Bill was a good one, and that instead of producing confusion in the Government, that it would have a salutary effect, for⁸ he thought it was little to the credit of any Government that its servants should be in the receipt and enjoyment of £300 or £100 a-year setting their creditors at defiance.⁹ He agreed in the necessity of making the principle applicable to District Officers also; and also to all those who received salaries out of the Consolidated Fund, or pensions for services performed, when their real and personal property was exhausted. He hoped that Mr. Christie would refer the Bill to a Committee that the objectionable clauses might be modified.¹⁰

MR. HALE was in favor of the Bill, and wished to see its operation extended to all officers of Corporations. The objections urged by the Attorney General were of great weight, particularly as regarded this measure affecting the efficiency of public officers, and it would be therefore better for the Bill to be referred to a Committee. There was another point which he wished to remark upon, and that was that he rejoiced to see a bill emanating from the opposition meeting with the concurrence of the Ministry, he hoped that such an act would have the effect of mitigating the rancour of party feeling, and teaching their foes to extend to this side the same justice, in which case the

country would have the benefit of the whole wisdom of the House upon its measures, instead of their being as heretofore confined to one party or the other.¹¹

DR. DUNLOP said, that the principle intended to be introduced, although it might be new to hon. gentlemen was not new to him; the law of Scotland presumed that every honest man had no other reason for not paying his debts than having no money to do so - if he had any money to pay he must. The law of Scotland was merciful, but no matter from what source money was coming to a debtor, the creditor could seize it, even in a Bank; and the wages of servants could be attached in the master's hands. He was in favor of this Bill, and looked upon the principle as a correct one.¹²

MR. BALDWIN said, that although he fully concurred in the principle of the Bill, yet he saw the force of the objections which had been urged against it, and thought it therefore better that it should be referred to a Committee, and the result allowed to remain over until the next session, for it certainly was a difficult piece of legislation. With regard to some remarks which had fallen from Mr. Hale, he would say that he did not think that either side of the House would oppose any measure emanating from the other, merely from such emanation, for his own part such would never be his course. He deprecated the use of the word "Foe," there were no foes in ((this)) House, they were opponents holding certain different views with regard to the manner in which the Government should be carried on for the public interest; one party held one opinion, and the other another; "Antagonism" would be a better word, it had received the highest sanction.¹³

M. CHRISTIE ... consentit à renvoyer son ... bill à un comité spécial¹⁴.

(180)

The said Bill was accordingly read, and referred to a Select Committee, composed of Mr. Christie, the Honourable Mr. Moffatt, the Honourable Mr. Aylwin, the Honourable Mr. Baldwin, the Honourable Mr. Solicitor General Sherwood, Mr. Prince, and Mr. Chabot, to report thereon, with all convenient speed; with power to send for persons, papers, and records.

Impeachment.

The Order of the Day for the second reading of the Bill to establish a tribunal for the trial of impeachments by the Legislative Assembly of this Province, being read,

Mr. Christie moved, seconded by Mr. DeWitt,

*That the said Bill be now read a second time.*¹⁵

MR. AYLWIN was opposed to the introduction of the Bill, which he believed would be of no advantage to the country.¹⁶ If the bill passed it would establish a court of such a character as he would be very sorry to be tried by. He said he would be sorry to be tried by it--he meant if he were innocent, but he would be very happy to be tried by it if he were guilty. He thought that under the system of Responsible Government which was now established, there was no necessity for the establishment of a court of this kind; there was at present a mode of proceeding in both Upper and Lower Canada by which the House could, by concurring with the Legislative Council in a vote of not less than two thirds of the members of both Houses, obtain the suspension of any Judge from his duties; who had then, if he pleased to make it, the right of an appeal to the Judicial Committee of the Privy Council. They had instances of the discharge upon complaints made by the Legislature of a Receiver General, an Attorney General and a Solicitor General; he knew it was difficult to get rid of these sort of functionaries previous to the advent of Responsible Government; but even then, they had contrived to get rid of an Attorney General, who had been a very bad public officer, and was now a Baronet and Chief Justice of the province. But if the Attorney General of the present day were to presume to do the one thousandth part of what that man had done, he would be at once dismissed--he would not be two days in the House before a vote of censure was past (sic) against him, and the Ministry with which he was connected.¹⁷ With regard to minor officers, they were under the control of their Ministers if they were guilty of any exaction, or committed any delinquency, they would call them to account for their own interest, and if the complaint were substantiated, dismiss them.¹⁸ There had been a time when a large and corrupt majority had been enabled to keep speculators in office, but there had been a great improvement in public opinion since that time. There had been speculators in the Customs department in Upper Canada, and in spite of their strong friends and political influence, they had been dismissed from office, through the able report of the member for Lanark; it was true that they cried out very loud, and said that they had been dismissed for their loyalty, but their loyalty was what he had characterized it before--it was speculation and robbery; and although they felt very sure, they thought it was better to retire quietly to private life, than by seeking an investigation of the charges which they knew to be true, not only prove themselves guilty, but be scouted from society. That body was a most powerful one, and when complaints were substantiated before it, the Millajores could be hurled from their throne, then the little fishes could not be secure in iniquity. At this time when the practice of impeachment was scouted in Europe, when it was never heard of, it was sought to be introduced in Canada. This high handed legislation contrary to the genius of the age, contrary to Christian principles, after becoming a dead letter in Europe, was to be revived here. He would suppose an impeachment--the impeached would stand at the bar of that House, with the executioner bearing his axe

beside him; would such a farce be tolerated?--he even doubted whether an executioner could be found to take part in it?--He wished that the Bill would be allowed to drop; it was not only useless, but tended to introduce the barbarous modes of proceeding of the middle ages.¹⁹

DR. DUNLOP said, the hon. gentleman who had just sat down had referred to the barbarous usages of impeachment in ancient times as necessary adjuncts to impeachment in the present day; he might just as well have said that the dragging of the impeached upon a sledge, hanging, drawing, and quartering him, and sending his limbs to different parts of the country, and sticking his head upon a spear, were also necessary to impeachment. He was in favor of impeachment; and there were certain officers and others of higher rank than those in this House and who could not be called to account in any other manner, take for instance his friend "Sweet William" in another House--(order! order!)--if he were to do any thing wrong, that House could not bring him to trial, there was no competent tribunal, unless the power of impeachment was conferred. It had been said that House had great powers, it could commit any person who insulted it, and it was itself the judge of the insult, to gaol; but the very moment that House was prorogued, he was free. Without the power of impeachment, it had no power at all. Strip this measure of the terrible, inquisitorial and barbarous clothing which had been appended to it, and what was it? a mere trial before that House, in which that House was the accuser, and its members the judges. At the time of the Popish Plot in the reign of Charles the 2nd, undoubtedly there were gross abuses relative to impeachment in the House of Peers, and much noble blood unnecessarily shed. Even that man who had been held up to posterity as a patriot, Lord William Russell, he moved in his place in Parliament that the Sovereign had no right to excuse the barbarous part of the sentence, the drawing and quartering, upon one of these victims; such was not like the conduct of a liberal man; God forbid that political enmity should be carried so far as to obstruct the royal hands in an act of clemency, and after the head was off, seek to vent itself in the mutilation of the body.²⁰

M. LAFONTAINE se prononce contre le projet de loi de son honorable ami le membre représentant Gaspé. Il ne voit pas du tout pourquoi, dans notre état de société, on devait soumettre les grands criminels à un autre tribunal que celui préposé pour juger les petits criminels. Que les uns ne méritent pas plus d'indulgence que les autres. Tous sont également membres de la même société, et devaient être passibles des mêmes peines. On ne fait aucun scrupule de reléguer les accusés ordinaires, c'est-à-dire le pauvre dans une prison, où on le gardera peut-être des mois entiers sans lui faire son procès, et quand on le lui aura fait, on s'apercevra, souvent qu'on a puni l'innocent. Il est absout de l'offense dont-il était accusé, mais qui le dédommagera des pertes qu'il a subies? Pourquoi donc faudrait-il adoucir le sort

du haut fonctionnaire, du grand criminel, lorsque l'on traite avec tant de sévérité le moindre, ce pauvre, ce père de famille peut-être dont la privation de la liberté est une calamité terrible pour elle, pour des enfans à qui vous arrachez leur pain? Vous êtes tout de rigueur pour l'un, pour celui qui sur les deux mériterait peut-être votre commisération, pendant que vous êtes pleins d'égards et de douceur pour l'autre qui très probablement en est le moins digne. Vous mettez le pauvre au pain et à l'eau sur une simple accusation; mais vous laissez le riche sur un lit de roses, quoiqu'il soit prévenu d'une haute offense! Vous voulez qu'il soit libre jusqu'à ce qu'il ait été jugé, qu'il puisse rouler carrosse, vivre au milieu d'un cercle nombreux d'amis, posséder même sa place dont-il abuse et dans laquelle il prépare de nouvelles prévarications, vous voulez que ce grand criminel, ce grand accusé soit parfaitement libre et entourré (sic) d'hommages jusqu'à ce que son procès ait eu lieu, qu'il ait été jugé, c'est-à-dire pendant peut être un an, deux, trois ans, pendant un temps illimité!

Est-ce là ce que vous appelez de la justice? de l'égalité devant la loi? Pourquoi ne pas soumettre le riche aux mêmes règles que ce pauvre accusé d'une offense comparativement minime? Pourquoi le tribunal de l'un ne serait pas le tribunal de l'autre? Il ne voit aucune bonne raison pour soustraire les prévaricateurs à la juridiction ordinaire. Que nos cours de justice sont parfaitement compétentes à connaître des accusations portées contre les hauts fonctionnaires. Talent, lumières, intégrité, nos cours possèdent tous les élémens nécessaires pour cela, et à un degré qui n'en cède nullement aux tribunaux de la métropole, si justement célèbres pourtant sous tous les rapports. Il put (sic) convenir en Angleterre de constituer de plein droit la chambre des lords en tribunal spécial des hautes accusations (sic). Les membres en sont au moins indépendants. Mais allez-vous comparer notre conseil législatif à la chambre des lords? Le pouvoir exécutif n'exerce ici que trop d'autorité sur le conseil législatif, cela est reconnu. Le favoritisme y a une trop large part. Il est toujours au pouvoir du premier de s'y assurer une majorité s'il le veut, et il le voudra chaque fois qu'il se croira intéressé à protéger le grand accusé. Que deviendrait alors votre tribunal spécial d'impeachment? A quoi aboutirait l'accusation faite avec tant d'apparat? Cependant il s'agirait de juger un homme coupable peut-être de péculat et de délation (sic) de l'argent du peuple, d'un crime qui pourrait avoir les plus fatales conséquences pour la société? Mais ce serait un "haut fonctionnaire," et pour cela il faudrait démoraliser et ruiner l'état! On a déjà vu l'exécutif s'interposer entre les représentans du peuple et ses employés. Le mal serait coupé à sa racine si l'on rendait les hauts fonctionnaires justifiables de nos tribunaux pour leurs crimes. Cependant si l'on préférerait absolument un tribunal spécial pour les juger, il faudrait se garder de croire qu'il puisse, dans notre état de société américaine, se trouver naturellement dans le conseil législatif, ce qui serait une erreur très-grave; mais comme pis-aller on pourrait peut-être trouver de meilleurs élémens constitutifs d'un tribunal de haute accusations (sic) dans une portion majeure, dans

deux tiers par exemple, des membres dont se compose au total ... la chambre d'assemblée dans une adjonction proportionnelle des membres du conseil législatif, réunion à laquelle ou (sic) pourrait ajouter les juges et un certain nombre d'autres citoyens compétens. Un tribunal composé de la sorte pourrait peut-être répondre aux fins de la justice et contrebalancer l'influence de l'exécutif.²¹

MR. ATTORNEY-GENERAL ((J.)) SMITH was in favor of an act of impeachment; it was necessary that a Court should be established to take cognizance of offences, which no other tribunal had jurisdiction over. The hon. member for Quebec had declared that there was ample security given to the country already, against high offenders, by the power of a vote of want of confidence; but he, Mr. S., was of opinion that such was not sufficient. There were crimes and misdemeanours which would not be sufficiently punished by such a vote; it was therefore expedient that the power of the Legislative Council should in this matter be assimilated as much as possible with that of the House of Peers. It was true that there must always exist a wide difference between them, the latter was hereditary, and not subject to change, which secured its stability as a tribunal; while the former was liable to change according to the political influence of the party in power; and therefore by itself could not be a proper body to try impeachments. He was sensibly alive to the importance of some of the suggestions which had been offered, and upon the brief consideration which he had been able to give to the measure, he was of opinion that the better course to adopt would be to associate upon such matters, with the Legislative Council, the whole of the Judges of Upper and Lower Canada, which would have the effect of somewhat assimilating the tribunal thus constituted to the House of Peers, by adding to the wisdom of that body, the legal knowledge of the whole bench, and thus secure just and legal decisions. He would therefore advise the hon. member for Gaspé to postpone the Bill until next Session, and thus enable ministers to perfect a measure of such importance.²²

COL. PRINCE avowed his approbation of the Bill as proposed to be amended by the learned Attorney General. He had himself introduced one of similar purport, some time back, which had been read once in that House, after which he knew not what had become of it. He thought by the measure proposed more justice would be done to the public than under the present system, for there were some officers, for instance, a corrupt Judge, to whom dismissal was no punishment--and at the same time, it would show more tenderness to those who were accused²³, since he found the following clause in the bill, that they shall not be executed or sent to Van Dieman's Land, Botany Bay, or any other foreign place.²⁴ Instead of a public officer being sent home for trial, there to be detained until pronounced guilty or not guilty, there would be a competent tribunal to sit upon him here, to punish him if guilty, and if innocent to restore him to his office.²⁵ He thought there could be no greater proof of the want of such a measure than the fact, that a man so bad as the hon. member for Quebec had

described a former Attorney General to be, should have been made the Chief Justice of the province.²⁶ OR He deprecated the allusions which had been made by the member for Quebec to a late Attorney General of Lower Canada, as uncalled for--(hear, hear!)²⁷

MR. AYLWIN wished to explain, that in calling that gentleman a bad officer, he had not wished to impute to him any disreputable conduct²⁸.

Oh! oh! and cries of "you did."²⁹

((MR. AYLWIN continued:))--but simply that his conduct had been tyrannical.³⁰

MR. MOFFATT approved of the principle of the Bill, it would afford protection to the innocent, and assure punishment to the guilty. He had regretted to hear the manner in which the name of a high officer in the colony had been made use of; this gentleman had been suspended in this country, and the sentence had been confirmed at home, from motives of policy, not from the charges having been proved against him; and within a short time he had been created Chief Justice, and it was not right that his name should go forth to the country as having been a bad public officer--(hear, hear!)³¹

MR. ((HENRY)) SHERWOOD.--It was an established principle of the Law of England that a man was innocent until he had been found guilty. The gentleman to whom the member of Quebec had so offensively referred, had been suspended from his office by an arbitrary act; he had gone to England, and there was fully acquitted of all the charges preferred against him, but for fear of calling forth political prejudices it was ((not)) thought expedient to restore him; he was sent back, and afterwards made Chief Justice. There had been two or three other similar cases to the one mentioned; this officer had not escaped punishment, he was tried and honorably acquitted.³²

MR. CHRISTIE was sorry to interrupt the hon. Solicitor General, but he wished to testify to the truth of what he had affirmed. The gentleman referred to had been dismissed by a Minister, and was not allowed to appear to vindicate himself before a Committee of that House.--(Hear, hear.)³³

MR. ((HENRY)) SHERWOOD continued--Yes, although declared innocent, it was not thought expedient to restore him for fear of the political prejudices of the House of Assembly. He could mention a similar

instance which had occurred in Upper Canada, where the same thing had taken place, and the same course had been pursued; the gentleman had been sent back with a promise of being recompensed with some other appointment, and he had been unrequited to this very day.--(Hear, hear.) The old system was not calculated to mete out that justice to individuals, which they had a right to expect from such a body; nothing could be more prejudicial to a public officer than prejudging his case, asking the Government to dismiss him, and leaving the accused no other appeal than that in England, where the judgment must be much influenced by the state of political feeling in this country. It was better to impeach and try him here, that he might be able to offer evidence in his defence, and, if acquitted, allow him to go on with his duties. If he went to England, he would get but little justice, and whether innocent or guilty, would lose his office. He had been surprised to hear the imputations cast by the hon. member for Quebec upon the Legislative Council; there could not be a body more judiciously constituted; such language was not consistent with the respect due to that branch of the legislature. For himself, he would not hesitate to appear before that tribunal upon a charge affecting his life. Its members were appointed for life; they were men of high standing in the country, and if the Judges, to the number of 10 or 15, were associated with them, to add their legal experience to the wisdom of the Councillors, he could not conceive how a more competent tribunal could be constituted. He hoped the hon. member for Gaspé would agree to the suggestion of the Attorney General, and allow his Bill to lie over until next Session, that the necessary alterations might be made in it.³⁴

MR. BALDWIN regretted that he should on this occasion be compelled to vote against those friends with whom he usually agreed. He must, however declare himself in favor of this bill³⁵. He looked upon it as a necessary adjunct to Responsible Government. But it appeared to him that the Legislature of Canada already possessed that power, and that it was vested in the Legislative Council. While agreeing in the principle of impeachment, he could not sanction any measure which assumed upon the face of it that the Legislature did not already possess the power of exercising it; but if the Bill were made declaratory he would vote for it. He could not agree with some remarks which had fallen from the friends with whom he generally concurred,--particularly as regarded the protection ensured against the offences of high officers of the state, by a vote of want of confidence. There were two kinds of responsibility, political and legal; for their political acts, Ministers were answerable to that House, and a vote of want of confidence would be a sufficient punishment. But he would assume a case, that a Minister or public officer was guilty of peculation, dismissal was no punishment to him, and there, therefore, was a necessity for a tribunal to which he should be legally responsible. He agreed in the suggestions which had been made by the Attorney General, and hoped that the Bill would not be hastily pressed through the

House³⁶. OR He was not prepared at the moment to give his opinion on the suggestion of the Attorney General, but he thought that the judges ought not to be the court, but only the assistants of the court. His hon. friend near him was mistaken in considering the court to be obsolete in England, as he would acknowledge when he recollected the case of Lord Melville, which had occurred a few years ago. The hon. member concluded by defending Lord Russell's memory against the remarks of the hon. member for Huron.³⁷

MR. MERRITT hoped the hon. member would postpone his motion--for half a century at least. He would ask the House how many times had an individual been tried by the court of impeachment during the last century in England, where the population is thirty-seven millions, and how many times would the court be used here in a century where there are only one million of inhabitants?³⁸

MR. CHRISTIE stated to the house, that he proposed, after the bill had been read a second time to refer it to a select committee; and then he would have no objection, to its lying over till the next session.³⁹

(180)

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Armstrong, Baldwin, Berthelot, Bertrand, Cameron, Chabot, Chalmers, Chauveau, Christie, Cummings, Daly, DeBleury, Desautier, DeWitt, Dickson, Duggan, Ermatinger, Franchère, Greive, Hale, Hall, Jessup, Jobin, Lacoste, LaFontaine, Lawrason, LeMoine, Leslie, Macdonald of CORNWALL, Macdonell of STORMONT, Meyers, Moffatt, Murney, Powell, Petrie, Price, Prince, Riddell, Rousseau, Sherwood of BROCKVILLE, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Smith of WENTWORTH, Stewart of PRESCOTT, Thompson, Watts and Williams--(48.)

NAYS.

Aylwin, Cauchon, Guillet, Johnston, Laurin, Merritt, Méthot and Morin--(8.)

So it was carried in the affirmative, and

The said Bill was then accordingly read, and referred to a Select Committee, composed of Mr. Christie, the Honourable Mr. Attorney General Smith, the Honourable Mr. LaFontaine, the Honourable Mr. Moffatt, Mr. Prince, Mr. Chauveau, and Mr. Chabot, to report thereon with all

convenient speed; with power to send for persons, papers, and records.

High School
Montreal.

The Order of the Day for the second reading of the Bill to incorporate the High School of Montreal, being read,

The said Bill was accordingly read, and referred to the Standing Committee on Private Bills.

French
Language.

Ordered, That the Order of the Day for taking into consideration a motion made on the twentieth of December last, viz, "That an humble Address be presented to Her Majesty, renewing the expression of the faithful attachment of this House to Her Majesty's Person and Government; setting forth, that, sensible of the advantages we enjoy from Her Majesty's care and protection, and which this House trusts may long be continued to us under Her Majesty's parental sway, it is at all times the duty of this House to submit, for Her Majesty's Most Gracious consideration, such matters as may have a tendency with any class of Her Majesty's subjects to diminish that contentment, which this House is well assured Her Majesty desires should exist in every portion of Her dominions;"

Representing, that the French is the native language of a very large class of Her Majesty's subjects in this Province; of this class the great mass indeed speak no other language. In it the largest portion of their laws and the books on their system of jurisprudence are written; their daily intercourse with each other is conducted; it is the language in which alone they can invoke the blessings of Heaven on themselves and all that is dear to them. A language indispensable to so many of Her Majesty's faithful people, cannot, they will believe, be viewed by their Sovereign, as foreign, when used by them.

Stating, that Her Majesty's Royal Predecessors placed the languages spoken by the two great classes of Her Majesty's subjects in this Province, on the same footing; affording, in this respect, equal justice and equal facility to all.

Pointing out, that this principle was never departed from until the Act re-uniting these Provinces was passed; that this House do not question that the best intentions and designs influenced the minds of those who enacted the provision which declared:

"That all writs, proclamations, instruments for summoning and calling together the Legislative Council and Legislative Assembly of the Province of Canada, and for proroguing and dissolving the same, and all writs of Summons and Election, and all writs and public instruments whatever relating to the said Legislative Council and Legislative Assembly, or either of them, and all returns to such writs

and instruments, and all journals and entries, and written or printed proceedings of what nature soever of the said Legislative Council and Legislative Assembly, and of each of them respectivley, and all written or printed proceedings and reports of Committees of the said Legislative Council and Legislative Assembly, respectivley, shall be in the English language only."

Stating, that in the very first Session of the Legislature, under that Act, it was indispensable to translate into French every public record and document. That the debates were not and could not unless a portion of the Representatives of the people were silenced, be carried on without its use; that in Courts and judicial proceedings it was found equally necessary as before the Union, and for every other practical purpose, it is as much used as it ever has been.

Urging, that the only distinction which exists then, is, that the French is not permitted to be the legal language of Parliamentary records; a distinction of little value perhaps in itself,--one which cannot produce any beneficial result on the feelings or habits of the people using it, while it gives rise to a feeling among them injurious to the peace and tranquility of the Province, namely, that this limited proscription of their language conveys, however undesignedly, an imputation of unfavourable distinction towards themselves.

(181)

Representing, that desirous that the hearts of all men in this Province may be joined in unity, in their attachment to and support of Her Majesty's person and Government, this House humbly petition Her Majesty to endeavour to remove this cause of discontent, and to recommend to Her Imperial Parliament the repeal of that portion of the law which has given rise to it; assuring Her Majesty that such a course will be hailed by Her Majesty's loyal Canadian people, as an additional mark of her solicitude for their welfare.

Ordered, That the further consideration of the said motion be postponed till Saturday, the eleventh day of January next.

Private Bills.

The Order of the Day for the House in Committee on the third Report of the Standing Committee on Private Bills, to which was referred the Bill to incorporate the Sherbrooke Cotton Factory, being read,

Sherbrooke
Cotton Factory.

The House accordingly resolved itself into the said Committee.

Mr. Leslie took the chair of the Committee,⁴⁰

MR. HALE, in moving the second reading of the Sherbrooke Cotton Factory Bill, remarked that this was a most important measure for the district which it affected, and was calculated to enlarge its resources,

to promote its industry, and give a stimulus to its exertions. It was not like other enterprises springing up in great cities, fostered by the wealth of a few, but had originated wholly in the industry of a large number of the residents of the district, the prosperity of which it had in view.⁴¹

MR. AYLWIN said, that he objected to the limitation clause in this Bill. It was right to adopt every precaution in conferring charters; in England and France the limitation clause found no friends, for in those countries too many of such speculations had exploded, and a few individuals had been enriched at the expense of thousands of sufferers. He remembered a scheme for the building of a Steamboat to run between Quebec and Halifax, in which the parties concerned lost every farthing; there was also another for the building of a large Hotel in Quebec, the Union Hotel, which had a similar result; but the loss in these cases was not confined to the shareholders, but was inflicted on all those who had trusted them. If the loss were confined to the shareholders, there would be no necessity for precaution, but when a Trading Company such as the Bill before the House constituted, sought for immunity, the greatest precaution was necessary, or it might be productive of most serious consequences. Before the scheme could go into operation, a great outlay would be required; there would be agents to purchase Cotton, and make contracts for its conveyance from the Atlantic border to Sherbrooke, buildings to be erected and machinery purchased, laborers to be paid, as also salaries to the superintendent and directors. And should the speculation prove a bad one, should it be found that in spite of the Customs, our neighbours on the other side could introduce their manufactures at the cost of those made by the Company, a ruinous loss would be the consequence. He was not aware what amount was paid up of the Capital Stock of the Company, but before he could give his consent for the Bill, he should require a large proportion, to convince the Legislature of the stability of the company.⁴²

MR. HALE said, the Capital was £12,500, upon which there was one fifth paid.⁴³

MR. AYLWIN continued--If he had wanted another argument to convince the House of the propriety of applying the double security clause to this Bill, it was afforded by the acknowledgment of the hon. gentleman opposite. With so small a proportion of subscribed capital, it was preposterous to suppose that this company could compete with the immense establishments of Lowell; it bordered on insanity to suppose that it could succeed. The company had no right to apply for an Act of Incorporation, before at least one-half of the Capital was paid up. He would suppose that the profits of the Company were £ 6 percent upon the whole Capital, that was £720 (*sic*) per annum, a very poor return for a single merchant, indeed a man could scarcely be deemed a merchant, whose profits were so small. The passage of this Bill in

the event of the bubble bursting would expose the whole district to a most serious loss, and would have the effect of preventing enterprise in future, and exert a most prejudicial effect upon the employment of capital upon better undertakings. The St. Lawrence Forwarding Company had the double security clause, and that was an institution not liable to such risks, its boats, barges, and other property could be turned into money to meet any great engagement, while the property of the Cotton Factory could not be made available. The amount subscribed was not sufficient to pay the salaries of one year, and the first proceeding which the company would take would be by actions to compel the subscribers to pay up the whole of their several amounts. With every desire to see manufactures introduced into the colony, with the best wishes for the prosperity of that part of the country to which the Bill referred, and in which he had himself a stake, he considered it was the duty of the Legislature, not to give such institutions an immunity from their honest debts, which course could not fail to be fatal to the best interests of the country. He therefore, felt it his duty to oppose the Bill, unless the double security clause was introduced.⁴⁴

MR. HALE was glad of the scrutiny to which the Bill had been subjected, as the measure could bear better being looked at; but he ((wished for)) a more impartial measure of justice than the hon. gentleman, and he believed other hon. gentlemen seemed disposed to give towards it. Many other companies had been incorporated, from which this double security had not been required. An Act had been given to the Trust and Loan Company, of Kingston, with a capital of £500,000, with power to borrow another £500,000 before the first was paid up, without any reduction whatever. The Kingston Mineral Springs Company with a capital of £25,000, with power to borrow another £25,000 was incorporated in the last Parliament without one farthing of the capital being subscribed, and the liabilities of shareholders was (sic) limited to the amount for which they subscribed; the Gaspé Fishing and Mining Company had received a Charter in the present Session without the offensive clause; and who would say that these were not Trading Companies, liable to air the objections which had been urged against this. The hon. member had voted for the incorporation of the Canada Fire Insurance Company with the limitation clause, he had then forgotten these grave objections; and what institution he would ask, was so likely to meet with sudden ruin as such a one? He would call to his mind the great fire in New York which had brought down so many of these Companies. If the limitation of liability was not accorded to this Company, it would destroy its very foundations, and it would be unable to proceed. He would ask the hon. member for Quebec, if he would risk a dollar in a Company which had not such a clause, or ... if he would advise him to do so. Therefore when the hon. member said that he was disposed to encourage manufactures, and give an impetus to domestic industry, he made professions as empty as the air. Did it follow because the Montreal Board of Trade had objected

to the limitation of liability in the act of the Quebec Forwarding Company, that it would object to it in this also? There was a wide difference between the two; the loss of a single cargo might ruin such a Company, and therefore in that case it was necessary; but he believed the Board of Trade did not object to the limitation in the Cotton Factory Bill. There was another ground upon which he claimed the indulgence of the House, this Company had been led on by the privileges granted to other Companies, it had organised and gone almost to completion, buildings had been erected, and machinery placed in them, and the raw material was purchased and paid for:--and now that House was to turn around and say to it:--"You are a small rural institution, you have no city influence, and we will put our foot on you, and crush you in the bud"? If new lights had been introduced, how was it that they had not been heard of before? And now this Company was to be caught in the trap, that House had set for it. If the House held the doctrine which had been laid down, why did it not pass a resolution to the effect that no Company would be allowed the limitation; and let the world know it, that none might be misled!⁴⁵

MR. SOLICITOR GENERAL ((H.)) SHERWOOD, although opposed to the general limitation of liabilities, would vote for it in this Bill. The case before the House was a peculiar one, and deserved more consideration than ordinary Companies. It ought to introduce a new manufacture into the country; which might in time become the parent of thousands, and be pregnant with most important results, therefore every inducement ought to be held out to it to go on. The Quebec Forwarding Company was not a case in point, that was subject by accidents to immense losses, to which the present could not be liable.⁴⁶ Forwarding Companies are held liable, not for the amount of stock, but for the goods delivered to them, to prevent collision (sic), but with private Corporations there was no reason to fear anything of that kind, and ((they)) were only held liable for the capital invested.⁴⁷

MR. DEWITT was in favour of the Bill as it stood. Immense quantities of coarse cottons were now imported into the colony from the United States, which could be as profitably made here.⁴⁸

MR. DUGGAN was opposed to the principle of limitation in this and all other companies. The only way to ensure the proper responsibility of companies, to keep speculation within proper limits, and place it upon a firm basis, was to insist upon the full liability of all parties engaged in them. The want of such precedents had led to most serious results in the neighbouring Republic, and had affected not only its prosperity, but the character and integrity of its people. The amount of capital paid up was a mere fleabite to any merchant, and altogether insufficient to justify the extension of the indulgence asked.⁴⁹

MR. LAFONTAINE ... desired to see the principle of partners en commandite adopted.⁵⁰

MR. PRICE was opposed to the limitation clause unless a greater amount of capital were paid up; he objected to the limitations of the liabilities of corporations under any circumstances; and the small amount of subscribed capital in the present instance could not justify its being granted.⁵¹

MR. MERRITT was in favour of the Bill as it now stood; the double security required in this case, had not been asked in many others liable to more serious objections; and considering the nature of the enterprise, it would be now unjust to ask it of this.⁵² ((He)) hoped the House would never insist on double security hereafter. It is by this means we may expect to draw foreign capital from England to this country, and compete with our rivals the Americans in the production of the coarser cottons.⁵³

MR. MOFFATT was opposed to the limitation of the liabilities of companies; but if a clause were inserted in this Bill to provide for an annual publication of the state of its affairs he would vote for it.⁵⁴

MR. CAMERON was opposed to limiting the liabilities of companies, it would induce Millers, Tanners and others to apply for Charters upon similar terms and lead, as it had done in the United States to incalculable injury to the Province. Those who wished to force trade should do so at their own wish (sic). It was high time that the House came to some definite understanding upon this subject.⁵⁵

MR. JOHNSTON could not see the drift of these objections. A bank is supplied with all the necessary for \$10 and should therefore be placed under some restrictions. But a factory must be put up at great expense, and if the proprietor run away, he cannot carry with him either his mill or machinery.⁵⁶

MR. BALDWIN was opposed to the limitation clause, it had been productive of great injury in the United States; and now in that country where the greatest facilities were offered to Companies, charters were not granted unless the directors were made liable to the full amount of their property. If a similar clause were introduced into this Bill, he would vote for it.⁵⁷

MR. HALE was willing to insert a clause for the annual publication of the accounts of the Company. He hoped this would satisfy hon. gentlemen, the measure was one which would employ hundreds of operatives who now sought employment in the States; and would keep in the country large sums of money which were now paid out for Cotton manufactures.⁵⁸

MR. LAWRASON was opposed to the Bill. He considered the disproportion between the wages in England where workmen could be got for 9d a day, and those in Canada where 2s or 3s would be paid, as quite

sufficient to prevent its success. He would not vote for it without the limitation clause.⁵⁹

MR. BERTHELOT ... ((spoke)) in French against the clause, and he pointed out the improbability of the new company being able to compete successfully with British manufacturers.⁶⁰

MR. CHAUVEAU also spoke against relieving the shareholders of responsibility. He was in favour of double security.⁶¹

MR. BROOKS said, the locality he represented was interested in the matter. He had heard a great deal that evening which was sound, and a great deal which had surprised him. Whatever was thought in the House, at Sherbrooke they had confidence in the project, and were willing to risk their money in it. It has been said that it was a small affair, so it might be to the merchants of Montreal, but it was not a small affair to the people of the Townships. In respect to what had been said as to the price of labour, it would not be difficult to show that it was as high in the United States. At Lowell, the seat of the cotton manufactures, female operatives earned from 15s. to 20s. a week. In that country, he did not know a single instance where they had failed, and in Canada they could manufacture at least as cheaply as they could in the New England States. Some hon. members had wanted them not to go too fast in establishing cotton manufactures, but he feared that after the time they had been in Session, the country would not accuse them of doing much for cotton manufacture or anything else.⁶²

MR. HALE said, that if he were compelled to accept the limitation clause, he would do so. But he hoped those who asked ((for)) it would withdraw their favour with their words, for they were undermining the very foundation of the hopes of the Company, and were doing all that was possible to discourage enterprise, with words of favor upon their lips.⁶³

MR. CAMERON could not understand how the double security could make any difference in the manufacturing of the article.⁶⁴

MR. LANTIER's motion for the insertion of the double security clause was put and lost. Ayes 24 Nays 33.⁶⁵

(181)

and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Leslie reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Mr. Speaker having put the question,

Shall the Report be now received?

Mr. Cameron moved, seconded by Mr. Lawrason, That the said Bill be recommitted to enable him to move the following amendment, viz:--

"That the fourteenth clause be struck out."

The question having been put on the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Aylwin, Baldwin, Berthelot, Cameron, Cauchon, Chabot, Chauveau, Duggan, Gowan, Lacoste, LaFontaine, Lawrason, Leslie, Moffatt, Murney, Powell, Price and Smith of FRONTENAC--(18.)

NAYS.

Armstrong, Bertrand, Boulton, Brooks, Chalmers, Christie, Colville, Daly, DeBleury, DeWitt, Dunlop, Ermatinger, Foster, Franchère, Greive, Guillet, Hale, Jessup, Jobin, Johnston, LeBoutillier, Laurin, Macdonald of CORNWALL, Macdonell of STORMONT, M'Connell, Merritt, Méthot, Meyers, Morin, Petrie, Prince, Roblin, Rousseau, Solicitor General Sherwood, Smith of WENTWORTH, Taché, Taschereau, Thompson, Watts, Webster and Williams--(41.)

So it passed in the negative.

The Honourable Mr. Aylwin then moved, seconded by Mr. Price, That the said Report be not received, but that the said Bill be recommitted for the purpose of enabling him to move the following amendment, viz:--

"To strike out all the words after the word 'Corporation,' and insert, 'to double the extent of his or her subscribed stock in the capital of the said Corporation.' "

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Aylwin, Baldwin, Berthelot, Cameron, Cauchon, Chabot, Chauveau, Dickson, Duggan, Gowan, Lacoste, Lawrason, Leslie, Moffatt, Murney,

Powell, Price, Roblin, Smith of FRONTENAC, and Smith of WENTWORTH--(20.)

NAYS.

Armstrong, Bertrand, Boulton, Brooks, Chalmers, Christie, Colville, Daly, DeBleury, DeWitt, Dunlop, Ermatinger, Foster, Franchère, Greive, Guillet, Hale, Jessup, Jobin, Johnston, LeBoutillier, LaFontaine, Laurin, Macdonald of CORNWALL, Macdonell of STORMONT, M'Connell, Merritt, Méthot, Meyers, Morin, Petrie, Prince, Rousseau, Solicitor General Sherwood, Taché, Taschereau, Thompson, Watts, Webster, and Williams--(40.)

So it passed in the negative.

The said Report was then received, and the said amendments being again severally read, and the question of concurrence being separately put on each, they were agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

Montreal
Medical School.

The Order of the Day for taking into consideration the Report of the Special Committee to which was referred the Petition of Francis C. T. Arnoldi, M. D., and others, Lecturers and Students in and of the Medical School, of the city of Montreal, called the College of Medicine and Surgery; and also the Petition of A. F. Holmes, M. D., and others, the Faculty of Medicine of the University of McGill College, being read,

Ordered, That the said Order of the Day be postponed until Wednesday next.

Church Lands,
Simcoe.

The Order of the Day for the House in Committee on the Bill to enable the Trustees holding a certain Lot in the town of Simcoe for the use of a church, to sell or convey the same or any portion thereof, and to appropriate the proceeds to a like use, being read,

The House accordingly resolved itself into the said Committee.

Mr. Gowan took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Gowan reported that the Committee had gone through the Bill, and had made an amendment thereto, which amendment was again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

Blue Book.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General,

Copy of the Blue Book for 1843.

Assessment
Rolls.

Assessment rolls for Upper Canada for 1844. Transmitted pursuant to 59 George III., chapter 7,

(For the said Assessment Rolls, see Appendix R.)

And

Fire and Life
Assurance
Company.

Return from the British America Fire and Life Assurance Company for the year ending thirtieth November 1844, transmitted for the information of the Legislative Assembly, pursuant to Acts, 3 William IV., chapter 18, and 6 Victoria, chapter 26.

(For the said Return see Appendix S.)

Haldimand
District.

The Order of the Day for the second reading of the Bill to erect the county of Haldimand into a separate District by the name of the Albert district, and the Northern Townships of the county of Kent into a separate district, by the name of the District of Moore, being read,

(182)

Mr. Thompson moved, seconded by Mr. Cameron, that the said Bill be now read a second time.

MR. ((R.)) MACDONALD of Cornwall, hoped that as the House was so thin, and many members absent, especially the hon. member for Toronto, who had charge of the District Division bill, that the hon. member would not press this motion⁶⁶.

(182)

Mr. Macdonald, of Cornwall, moved in amendment, seconded by Mr. Duggan, that the word "now" in the said motion be struck out, and the words "Monday next" substituted.

MR. DICKSON said that the district of Niagara was very much interested in this measure, and as the members for North Lincoln and South Lincoln were absent, he hoped the hon. member would postpone the measure till Monday; he was sure no injury could accrue to the bill by that course.⁶⁷

The Solicitor General ((MR. H. SHERWOOD)) said that he had referred his bill on the division of districts to a committee composed of the members from all the counties interested in that measure. The committee would sit to-morrow, and he hoped the principal of the present bill would not be adopted until a report had come up from that committee.⁶⁸

(182)

The question having been put upon the motion of amendment, it was agreed to by the House.

The question being then put on the main motion, as amended, it was also agreed to, and

Ordered, That the said Bill be read a second time, on Monday next.

Reporter,
Court of
Chancery.

The Order of the Day for the second reading of the Bill to authorize the appointment of a Reporter in the Court of Chancery, being read,

*The Honourable Mr. Solicitor General Sherwood moved, seconded by Mr. Duggan, that the said Bill be now read a second time.*⁶⁹

MR. ((G.)) MACDONELL of Dundas, opposed the bill, on the ground that the Court of Chancery was going fast into public contempt.-- He wished to give equitable jurisdiction to the Court of Queen's Bench.⁷⁰

MR. THOMPSON opposed the bill, and gave a long and not very favorable account of the manner in which mortgages were managed in Upper Canada, and the injuries which were inflicted by the decision of the Court, on persons who had lent money on lands which were held as security for large sums tacked on after the original deed had been registered for perhaps a very small one.⁷¹

(182)

Mr. Macdonell, of Dundas, moved in amendment, seconded by Mr. Macdonell, of Stormont, that the word "now" in the said motion be struck out, and the words "this day six months," substituted.

MR. PRICE and the Solicitor General ((MR. H. SHERWOOD)) explained that the bill only taxed members of the legal profession.⁷²

(182)

The question having been put upon the motion of amendment, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Berthelot, Johnston, Lantier, Laurin, Macdonell of DUNDAS,
Macdonell of STORMONT, and Thompson--(7.)

NAYS.

Baldwin, Bertrand, Cameron, Cauchon, Chabot, Chalmers, Chauveau,
Christie, Colville, Daly, DeWitt, Dickson, Duggan, Dunlop, Ermatinger,
Foster, Franchère, Gowan, Guillet, Hale, Jessup, Jobin, LeBoutillier,
Lacoste, LaFontaine, Laurason, Leslie, Macdonald of CORNWALL, M'Connell,
Merritt, Méthot, Meyers, Moffatt, Morin, Murney, Powell, Price, Prince,
Roblin, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General
Smith, Smith of WENTWORTH, Taché, Watts, and Webster--(46.)

So it passed in the negative.

The question being then put on the main motion, it was agreed to
 by the House, and the said Bill was accordingly read, and committed to
 a Committee of the whole House, to-morrow.

Ordered, That the remaining Orders of the Day be postponed until
 to-morrow.

Then on motion of Mr. Duggan, seconded by the Honourable Mr.
Moffatt.

The House adjourned.

FOOTNOTES - 20 January 1845.

1. The debate on this motion was reported by: ST. CATHARINES JOURNAL, 30 January 1845; and MONTREAL GAZETTE, 23 January 1845, copied by KINGSTON NEWS, 30 January 1845.
2. ST. CATHARINES JOURNAL, 30 January 1845.
3. MONTREAL GAZETTE, 23 January 1845.
4. ST. CATHARINES JOURNAL, 30 January 1845.
5. The debate on this Bill was reported by: ST. CATHARINES JOURNAL, 30 January 1845; MONTREAL GAZETTE, 23 January 1845, copied by KINGSTON NEWS, 30 January 1845; LA MINERVE, 27 January 1845; EXAMINER, 29 January 1845; and the PILOT, 22 January 1845.
6. MONTREAL GAZETTE, 23 January 1845.
7. IBID.
8. IBID.
9. ST. CATHARINES JOURNAL, 30 January 1845.
10. MONTREAL GAZETTE, 23 January 1845.
11. IBID.
12. IBID.
13. IBID.
14. LA MINERVE, 27 January 1845.
15. The debate on this motion was reported by: LA MINERVE, 27 January 1845; ST. CATHARINES JOURNAL, 30 January 1845, in an account which originated in the MONTREAL TIMES; PILOT, 22 January 1845; and MONTREAL GAZETTE, 23 January 1845, copied by KINGSTON NEWS, 30 January 1845, and EXAMINER, 29 January 1845, in accounts containing some identical speeches, of which the EXAMINER has edited a number.
16. EXAMINER, 29 January 1845.
17. ST. CATHARINES JOURNAL, 30 January 1845.
18. EXAMINER, 29 January 1845.
19. MONTREAL GAZETTE, 23 January 1845.
20. IBID.
21. LA MINERVE, 27 January 1845, which commented: "L'honorable monsieur s'étendit fort au long; son discours fut vivement goûté par la chambre."
22. MONTREAL GAZETTE, 23 January 1845.
23. IBID.
24. ST. CATHARINES JOURNAL, 30 January 1845. See ((Complaint Against Parliamentary Report in MONTREAL TIMES.)) in the Appendix for 22 January 1845, in which Col. Prince denies that the following report from the MONTREAL TIMES was correct: "Col. Prince also supported the bill, and he thought that he could do so without at all acting against the tenderness which he entertained for public officers since he found the following clause in the bill, that they shall be executed or sent to Van Dieman's Land, Botany Bay, or any other foreign place."
25. MONTREAL GAZETTE, 23 January 1845.
26. ST. CATHARINES JOURNAL, 30 January 1845.
27. MONTREAL GAZETTE, 23 January 1845.
28. IBID.
29. IBID.

30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. IBID.
35. ST. CATHARINES JOURNAL, 30 January 1845.
36. MONTREAL GAZETTE, 23 January 1845.
37. ST. CATHARINES JOURNAL, 30 January 1845.
38. IBID.
39. IBID.
40. The debate on the following matter was reported by: MONTREAL GAZETTE, 23 January 1845, copied by KINGSTON NEWS, 30 January 1845, and EXAMINER, 29 January 1845, in accounts which contain some identical speeches, of which the EXAMINER has edited a number; ST. CATHARINES JOURNAL, 30 January 1845, and BRITISH COLONIST, 6 February 1845, in identical accounts; PILOT, 22 January 1845; and LA MINERVE, 27 January 1845.
41. MONTREAL GAZETTE, 23 January 1845.
42. IBID.
43. IBID.
44. IBID.
45. IBID.
46. IBID.
47. ST. CATHARINES JOURNAL, 30 January 1845.
48. MONTREAL GAZETTE, 23 January 1845.
49. IBID.
50. PILOT, 22 January 1845.
51. MONTREAL GAZETTE, 23 January 1845.
52. IBID.
53. ST. CATHARINES JOURNAL, 30 January 1845.
54. MONTREAL GAZETTE, 23 January 1845.
55. IBID.
56. ST. CATHARINES JOURNAL, 30 January 1845.
57. MONTREAL GAZETTE, 23 January 1845.
58. IBID.
59. IBID.
60. PILOT, 22 January 1845.
61. IBID.
62. MONTREAL GAZETTE, 23 January 1845.
63. IBID.
64. PILOT, 22 January 1845.
65. MONTREAL GAZETTE, 23 January 1845.
66. ST. CATHARINES JOURNAL, 30 January 1845.
67. IBID.
68. IBID.
69. The debate on this motion was reported by: ST. CATHARINES JOURNAL, 30 January 1845; and L'AUREOLE, 25 January 1845.
70. ST. CATHARINES JOURNAL, 30 January 1845.
71. IBID.
72. IBID.

TUESDAY, 21 JANUARY 1845.

(182)

Member for
Simcoe.

MR. SPEAKER informed the House, that the Clerk of this House had received from the Clerk of the Crown in Chancery, a certificate of the election of a member for the county of Simcoe, in the room of William B. Robinson, Esquire, who, since his election hath accepted the office of Inspector General of Accounts.

And the said certificate was read, and is as followeth:--

Province of Canada.

OFFICE OF THE CLERK OF THE CROWN IN CHANCERY,
Montreal, 21st January, 1845.

This is to certify that, in virtue of a writ of election, dated the twentieth day of December last past, issued by His Excellency, the Governor-in-Chief, and directed to the Returning Officer for the County of Simcoe, Edmund Lally, Esquire, for the election of one member for the said County of Simcoe, in the room of William Benjamin Robinson, Esquire, whose seat had become vacant by his acceptance of the office of Her Majesty's Inspector General for this Province, the Honourable William Benjamin Robinson has been returned as duly elected accordingly, as appears by the indenture, dated the thirteenth day of January instant, which is lodged of record in my office.

FELIX FORTIER,
Clerk of the Crown in Chancery.

To W. B. LINDSAY, Esquire,
Clerk of the Legislative Assembly.

The Honourable William B. Robinson, Member for the county of Simcoe, having previously taken the oath, according to law, and subscribed before the Commissioners the roll containing the same, took his seat in the House.

Canada Fire
Assurance
Company.

Mr. Speaker laid before the House, a statement of the assets and liabilities, and a list of the names of the stockholders of the Canada Fire Assurance Company, to the 31st December, 1844, received in conformity to an order of the House of the tenth instant.

(For the said Statement and List, see Appendix S.)

North Riding
Lincoln
Election.

Mr. Lantier, chairman of the Select Committee, appointed to try the merits of the Petition of Samuel Wood and others, electors of the North

Riding of the county of Lincoln, district of Niagara, complaining of the undue election and return of William Hamilton Merritt, Esquire, as a member to represent the said North Riding of the county of Lincoln, in the present Parliament, reported to the House, that the Committee met this morning at ten o'clock, pursuant to adjournment, but were unable to proceed to business in consequence of the absence of the Honourable Mr. Attorney General Smith, one of their number.

Petitions
brought up.

The following Petitions were severally
brought up and laid on the table.

By Mr. Lantier, the Petition of the Honourable R. U. Harwood and others, of the county of Vaudreuil.

By Mr. Hale, the Petition of J. J. Maitland and J. C. Becket, of the Canada Sunday School Union.

By Mr. Williams, the Petition of the Reverend A. N. Bethune and others, members of the United Church of England and Ireland, in the town of Cobourg, in the diocese of Toronto; and the Petition of Jonathan Shortt and others, members of the United Church of England and Ireland, in the village of Port Hope and its vicinity, in the diocese of Toronto.

By Mr. Drummond, the Petition of James (sic) (Jane) Allsopp, of the parish of Cap Santé.

By Mr. Christie, the Petition of the Honourable James Kerr, of Quebec.

By the Honourable Mr. Solicitor General Sherwood, the Petition of Albert Furniss, of the city of Montreal.

By the Honourable Mr. Moffatt, the Petition of the Reverend John Cordner and others, of the city of Montreal, belonging to the religious denomination commonly called Christian Unitarians.

(183)

By Mr. Smith of Frontenac, the Petition of Thomas A. Corbett, Sheriff, and others of the Midland district.

By Mr. Macdonald, of Kingston, the Petition of Thomas W. Robinson, Esquire, Mayor, and others of the town of Kingston, in the Midland district.

By Mr. Hall, the Petition of Thomas Fidler and others, members of the United Church of England and Ireland, in the village of Fénélon Falls, in the diocese of Toronto; and the Petition of William Dickson

and others, of the township of Smith, in the district of Colborne.

By Mr. Seymour, the Petition of George Jones and others, of the Midland district.

By Mr. Macdonald, of Cornwall, the Petition of Robert Froste, of the city of Montreal.

By Mr. Gowan, the Petition of John Vauloon and others, landholders in the tenth and eleventh concessions of the township of Leeds, in the district of Johnstown; and the Petition of James Brookes and others, of the district of Johnstown.

Taxes, District
of Wellington.

A Message from the Legislative Council by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

MR. SPEAKER,

The Legislative Council have passed the Bill intituled, "An Act to provide more effectually for the collection of certain arrears of taxes on lands in the district of Wellington and other districts, and better to define the limits of the said district of Wellington," without any amendment.

And then he withdrew.

Petitions
referred.

John Bonner
and William
Petry.

Resolved, That the Petition of John Bonner and William Petry, of Quebec, merchants, be referred to a Select Committee, composed of the Honourable Mr. Aylwin, the Honourable Mr. Morin, Mr. Christie, Mr. Chabot, and Mr. Chauveau, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

John Hammil.

Mr. Smith, of Wentworth, moved, seconded by the Honourable Mr. Morin, that the Petition of John Hammil, of the township of Brantford, in the Gore district, be referred to a Select Committee, composed of the Honourable Mr. Attorney General Smith, the Honourable Mr. Baldwin, Mr. Thompson, Mr. Lawrason, Mr. DeWitt, Mr. Powell, and the mover, to examine the contents thereof, and to report thereon with all convenient speed: with power to send for persons, papers, and records.¹

The Attorney General ((MR. J. SMITH)) being named on the Committee declined to act², as the Government had already judged the case, and if on the petition he would be in some measure bound down.³

MR. AYLWIN ... ((complained to)) the Attorney General for his refusal to sit on the committee, and charged him with having prejudged the merits of this petition without knowing anything about it.⁴ They ought to have been prepared to state their reasons for refusing relief to the petitioner, and then to ask the House to negative the motion for reference. Such would have been the course of a British minister.⁵ He recommended the Ministers to take a leaf from the book of the late administration.⁶

Loud cries of hear, hear, very ironically from the government side.⁷

The hon. member ((MR. AYLWIN)) wound up ... with a threat that he would vote for the motion of the hon. member for Wentworth to refer this petition to a committee, which he should not have done but for the unsatisfactory silence of the Ministry.⁸

The Att. General ((MR. J. SMITH)) asked when notice of the motion was given.⁹

DR. ((HARMANUS)) SMITH, - no notice was given.¹⁰

The Atty. General ((MR. J. SMITH)) -- If that is the fact, the hon. member for Quebec should state his reasons for making such charges against the Government. The hon. member for Quebec was very fond of giving advice to the Government but he ought to be sure before sounding the trumpet of war against the Executive that he has tenable grounds to stand on, and he would like to know whether he, Mr. Aylwin, expected that the members of the Government were to read all the thousand petitions that were laid upon the table of the House. He would give Mr. Aylwin notice that he for one was not inclined to submit and would not submit to the lectures which the hon. member was in the constant habit of administering on all occasions.¹¹

MR. AYLWIN rose to explain¹².

The Speaker ((SIR ALLAN MACNAB told him)) to confine ((himself)) strictly to explanation¹³.

((MR. AYLWIN)) said ((he)) would do ((so)). Proceeding on his explanations, he said that no notice was given, and he knew nothing of the contents of the petition.¹⁴

Here he ((Mr. Aylwin)) was called to order by the Speaker ((SIR ALLAN MACNAB)) and Solicitor General ((MR. H. SHERWOOD)), as that was no explanation.¹⁵

((MR. AYLWIN was)) allowed to proceed; he was interrupted half a dozen times, and was at last compelled to sit down.¹⁶

MR. LAFONTAINE said that Mr. Aylwin was perfectly correct in saying that the Att. General did not take the right course. He should have stated to the House the reasons for which the Government refused to sanction it, or else he should have stated that he was not prepared to go into it, but he moved that which would have been the right course, and as usual, said he must oppose its reference. He (Mr. Lafontaine) was in the same position as every member of the House, and knew nothing of its contents, but he had to infer from what he heard in the debate that it was in the shape of a remonstrance against the Government, and was given up at the same time as the petition. It was his opinion that too many petitions are on the table, and some other course should be taken with regard to them.¹⁷

DR. DUNLOP stated, that he thought he could enlighten the House on the nature of the claim made in this petition. The fact was, that in Upper Canada there had formerly been no Board of Works, and the plan had been to refer any public work to the consideration of some gentleman (sic) who were so indiscriminately chosen, that they were ordinarily the worst informed people on the particular subject in hand that could be found; for example, if a harbour were to be made they chose seven substantial tradesmen; or if a macadamized road, some men who had never seen a macadamised road in their lives; the consequence was, that the works were frequently ill performed, and the money frequently not paid. - He thought that he remembered this subject before. It occurred to him that it was something like the case of Mrs. Fanny Trowbridge, which had been brought before the House in Upper Canada, over and over again; and he must say that a case decided by the Parliament of Upper Canada should not be brought again before the Legislature of United Canada.¹⁸

MR. BALDWIN concurred in what had been said by the Attorney General of the immense difficulty which there was in attending to all the Petitions which were presented to that House. The plan which had been adopted by himself and his friends, was to have a notice of the object of each Petition sent to them every morning, and he thought that so much labour ought not to be thrown upon the Ministry as was by the present system, but that notice ought to be given before motions were made for references to Committees. His friend, the Attorney General, would find the remarks of the hon. member for Quebec to be perfectly reasonable and correct; and that the English practice in those cases would be found to be the correct one, which is for the administration to state their objections to Petitions upon the motion for their reference.¹⁹

COL. PRINCE said, it was quite time for the House to determine whether or not Petitions of this sort should be referred; he (Col. Prince) had always been in favor of taking that course, which he thought could not be attended with any bad consequences. For his part he should conceive that the administration would be happy to receive the advice of a Committee on these subjects.²⁰

MR. MERRITT also thought that Petitions of this class should be referred.²¹

(183)

The question having been put upon the said motion, a division ensued, and it passed in the negative.

Joseph Smolinski.

Resolved, That the Petition of Joseph Smolinski, of Quebec, be referred to a Select Committee, composed of the Honourable Mr. Aylwin, Mr. Dunlop, Mr. Christie, Mr. Chauveau, and Mr. Taché, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

W. R. Branan and others.

Ordered, That the Petition of W. R. Branan and others, inhabitants of the north-western part of the township of Ekfrid and the southern part of the township of Adelaide, in the London district, be referred to the Select Committee to which was referred the Bill for better defining the limits of the counties and districts in Upper Canada; for erecting certain new townships; for detaching townships from some counties and attaching them to others, and for other purposes relative to the division of Upper Canada, into townships, counties, and districts.

David Griffin and others.

Ordered, That the Petition of David Griffin and others, of the township of Bayham, in the district of London, be referred to the said Committee.

Adolphus Williams.

Ordered, That the Petition of Adolphus Williams, of the township of Malahide, in the district of London, be referred to the Standing Committee on Private Bills.

Edwin Pridham and others.

Resolved, That the Petition of Edwin Pridham and others, of Grenville and other places on the Ottawa river, be referred to a Special Committee to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers and records.

Ordered, That Mr. Scott, Mr. Johnston, Mr. Foster, Mr. DeWitt, and the Honourable Mr. DeBleury, do compose the said Committee.

Robert Owens and others.

Ordered, That the Petition of Robert Owens and others, members of the United Church of England and Ireland, in March and Huntley, and parts adjacent, be referred to the Select Committee to which was referred the Petition of the Church Society of the diocese of Toronto, and

other references.

On motion of the Honourable Mr. Baldwin, seconded by Mr. Price,

Petition of
William Rea
and others.

Ordered, That the entry in that part of the Journals of the last Parliament, of Monday, the twelfth day of September, 1842, relating to the Petition of William Rea and others, of the townships of East and West Gwillimbury, be now read.

The said entry was read accordingly.

Ordered, That the Petition of William Rea and others, of the townships of East and West Gwillimbury, praying that a certain portion of the townships of East and West Gwillimbury be annexed to the Home district, be referred to the Select Committee, to which was referred the Bill for better defining the limits of the counties and districts in Upper Canada; for erecting certain new townships; for detaching townships from some counties, and attaching them to others, and for other purposes relative to the division of Upper Canada, into townships, counties, and districts.

Landholders
in Gaspé.

Mr. Christie, from the Select Committee to which was referred the Bill for the relief of certain landholders in the Gaspé district, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee have examined the said Bill, clause by clause, and have made certain amendments thereto, which they beg leave respectfully to submit for the consideration of your Honourable House, with the evidence taken thereon.

MINUTES OF EVIDENCE

Taken before the Select Committee to which was referred the Bill for the relief of certain Landholders in the Gaspé District; and reported to the House on the 21st January, 1845.

Robert Christie, Esquire, in the Chair.

FRIDAY, 17th January, 1845.

The Chairman informed the Committee, that he was appointed, in 1819, Secretary to the Commissioners for the adjustment of Gaspé Land Claims, under the Provincial Statute of Lower Canada, 59 George III. ch. 3, and

(184)

in that capacity went to Gaspé the same year, and in 1820 and 1823. That a multitude of persons presented their claims to lands. Those who had made improvements subsequently in due course, as prescribed by the Act, obtained adjudications for the lands they occupied; these adjudications were afterwards by law made absolute titles.

There were at that time no Crown Land Agents in the District of Gaspé authorized to grant location tickets to persons desirous of settling upon and improving the Crown Lands.

The Commissioners were applied to, in a variety of instances, by persons desirous of settling upon them, but were informed by the Commissioners that they had no authority to locate settlers, being authorized by law to take into consideration only such claims to lands as were actually under improvement, and properly within the competency of the Board; they, however, informed the applicants, that to facilitate them, they would receive their applications and cause them to be put on the Register, and publish the same, in order that if no persons opposed them in their applications, the Government might take into consideration the expediency of granting them the lands they applied for.

It was accordingly directed by the Commissioners to receive all such applications, and to characterize them on the Register of Land Claims (now in possession of the Executive Council) as lands claimed by recent occupancy.

The Commissioners, in all those cases of recent occupancy, advised the claimants immediately to set about and improve the lands so claimed.

In many instances those applications were followed up by improvement, the occupants clearing and making fine farms out of the forest, doing the road and other duties, in the expectation that grants would be given them upon the strength of their improvements, and of the Commissioners' recommendation.

He regrets to inform the Committee, that in many instances those persons who, in this manner, brought the country into a tolerably advanced state of improvement, by their labour and industry, have been called on, since the system of selling Crown Lands has been introduced into this Province, to pay for those lands which they brought under culture and had given value to; this they think excessively hard; but some, nevertheless, have paid, others partly, and some not at all; those who have paid, have done so under the apprehension that the Crown Land Agent had power to deprive them of the lands so improved, built, and settled upon, and sell them to others. Much discontent has consequently arisen, and still exists, on this subject; they who have refused payment to the Crown Land Agent, have done so under the conviction that the Government never intended that they should be called upon to pay for the lands alluded to, and

that as lands were at that time given gratis to others in other parts of the Province where there were Crown Land Agents for locating settlers, they, the settlers in Gaspé, deemed themselves entitled to the same indulgence; having improved and cultivated those lands before the land-selling system had come into operation, they ought to be given to them gratis, and the more so, as in fact these people had gone to the expense of the surveying of the lands they so claimed,--of publication in the Gazette,--employing agents, and other incidental expenses connected therewith. The above constitutes one class of persons who it is intended should be relieved by the present Bill. There is another class of persons equally deserving of attention, and whose claims the present Bill also embraces: it is those who, since the Commissioners were in Gaspé, and subsequent to the expiration of their powers, and before the land-selling system came into operation, have gone upon, settled, and improved Crown Lands--some with location tickets from a Crown Land Agent (the late Mr. Crawford), and others without. These also have been called upon to pay for their lands, which they deem unjust. It is also to be observed, that there exists on this subject an order or letter, in favour of persons so situated, from Sir James Kempt, to the effect that the Government would, the following summer (1829), take measures to ascertain all claims of that nature, with a view of issuing patents in favour of persons so situated, but that the indulgence would not apply to those who would thereafter settle upon Crown Lands. The informant speaks from recollection, not having in his possession the letter on the subject; but he is sure of the fact that a pledge to that effect was given.

He believes that the settlers on Crown Lands in the Gaspé District since that period, (the introduction of the land-selling system,) are under the conviction that they must pay for them; the present Bill consequently does not extend to them, but only to those who obtained recommendations from the Commissioners as above stated, and who, agreeably thereto, and in good faith, have settled and improved the lands they had selected and asked for, and to their heirs and others representing them, and to the other class above mentioned who, with or without authority from the Crown Land Agents appointed subsequent to the Commissioners' visit to that District, and before the land-selling system was adopted, sat down upon and improved Crown Lands.

It is also to be observed, that there were many persons who did not claim from the Commissioners in 1819. Loyalists and others, for instance, who had been for many years before (twenty and upwards) in possession of the lands they occupied, and did not deem it necessary to seek adjudications for them, thinking their claims beyond all question. Persons of this class also will be secured by the present Bill, who otherwise may be put to trouble hereafter, and whose anxiety it is but just to tranquilize.

He also stated the object of the present Bill to be in favour of those who were in possession of lands in the District of Gaspé previous to the land-selling system, but in no respect to interfere with the rights of

the Crown, in respect to lands taken possession of by settlers since that period, who must claim of the Crown and pay for the lands they occupy.

MONDAY, 20th January, 1845.

John LeBoutillier, Esquire, a member of the Committee, stated, for the information of the Committee, that the object of the present Bill is the better to carry out Sir James Kempt's order in behalf of the inhabitants of the Gaspé District--a pledge upon which the Government has since had (to his knowledge) all claims, of the nature mentioned in the evidence given by the Chairman of the Committee, reported; that the Report will probably be found in the Land Department Office; that he has seen the order of Sir James Kempt, and that the inhabitants of the Gaspé District are anxious for the further action of the Government thereupon, and to obtain Titles for their lands accordingly.

FRIDAY, 21st January, 1845.

The Chairman laid before the Committee the two following copies of letters received by him from the Assistant Commissioner of Crown Lands (Mr. Bouthillier), in answer to a request made by the Committee on the 20th instant:--

(Copy)

CASTLE OF ST. LOUIS,

QUEBEC, 26th September, 1828.

SIR,

I have laid before His Excellency, the Administrator of the Government, the petition of a number of inhabitants of the District of Gaspé, residing Westward of Point MacKarel, praying that the period fixed in the notification issued by Government in December last, for completing the titles to lands, might be extended, with respect to lands held by the petitioners, and that an Agent might be appointed with authority to grant location tickets in that part of the District.

With respect to the first object of the petition, His Excellency directs me to observe that the petitioners do not properly come within the meaning of the notification referred to, which applies to persons "settled upon lands under warrants of survey, or tickets of location, or authority from Government," but the petitioners never appear to have had any sort of authority from Government to occupy the lands they claim, nor anything more than recommendations in their favour from the Commissioners for adjusting land claims in that District to Government, which recommendations have never, as His Excellency is informed, been allowed

(185)

by Government as constituting either a title, or a claim to receive a

title; but His Excellency being disposed to view the case of the petitioners as favourably as possible, is willing, in those instances where they have actually and bona fide settled and made improvements upon the waste lands, to allow grants to be made to them, in proportion to the extent of those improvements, upon the usual scale of grants to actual settlers; but His Excellency cannot give the indulgence any great latitude, nor apply it to the cases of those who may hereafter go upon the lands without authority, as all the lands of the Crown are now ordered to be disposed of by sale.

With respect to the other request of the petitioners for the appointment of an Agent, with authority to issue location tickets, His Excellency does not think such a measure necessary or desirable, as all those who are now settled upon lands (and who alone will be admitted to receive grants), must come forward next summer, and take out Patents for whatever quantity their improvements may entitle them to obtain. I am further to acquaint you, that the attention of the Commissioner of Crown Lands will be called to this subject, with a view to the adoption of some arrangement in the course of the ensuing summer, for ascertaining what persons will be entitled, on the principle above stated, to receive grants, and to what extent they are to be made. You will please to make known the purport of this communication as generally as possible in the District, in order that the people may be prepared for the further measures which His Excellency may direct to be taken upon the subject.

I am, &c.,

(Signed) ANDREW WM. COCHRAN.

J. CRAWFORD, Esquire.

(Copy.)

CASTLE OF ST. LOUIS,

QUEBEC, 4th February, 1829.

SIR,

I am commanded by His Excellency, Sir James Kempt, to transmit to you the enclosed copy of a memorial that was presented to him, in September last, by a number of inhabitants in the District of Gaspé residing Westward of Point Mackerel, and also of the answer that was returned to the same by his directions.

His Excellency has desired these papers to be transmitted to you with a view of directing your attention to the subject, and that some arrangement may be determined upon for ascertaining, in the course of the next summer, what persons in that District will be entitled to receive grants of those lands on the principle therein laid down by His Excellency.

I am, &c.,

(Signed) C. YORKE,
Secretary.

The Honourable W. B. FELTON, Esquire.

The Chairman also stated, that the Assistant Commissioner of Crown Lands, in transmitting the above correspondence, had, at the same time, informed him, that he could not find that any particular action had been taken on the latter communication, further than ordering, some time after, the survey of the Township of Newport, which was completed in 1835 or 1836; and the first sale of Crown Lands in Lower Canada commenced in March, 1828.

Ordered, That two hundred copies of the said Report, and of the evidence and documents accompanying the same, be printed in each of the English and French languages, for the use of the Members of this House.

Lanark con-
tested Election.

Mr. Sherwood, of Brockville, chairman of the Select committee, appointed to try the merits of the Petition of Alexander Fraser, Esquire, late a candidate for the county of Lanark, at the last election; the Petition of William Duncan and others, freeholders of the county of Lanark; and the Petition of W. A. Playfair, senior, and others, freeholders of the county of Lanark, severally complaining of the undue election and return of Malcolm Cameron, Esquire, Sitting Member for the said county, presented to the House the final report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Resolved, That in consequence of a poll not being held in the townships of Westmeath, Ross, and united townships of Pembroke and Stafford for the county of Lanark, at the last election for the said county, the said election is void.

Resolved, That the defence of Malcolm Cameron, Esquire, before the Committee appointed to try the merits of the contested election for the county of Lanark, is not frivolous and vexatious.

Resolved, That the Petitions of the Petitioners complaining of the undue return of Malcolm Cameron, Esquire, for the county of Lanark, are not frivolous and vexatious.²²

MR. G. SHERWOOD ... moved that a writ for a new election be immediately issued for that county.²³

MR. CHRISTIE wished to know if the committee had taken no notice of the conduct of the Returning Officer at this election: he thought that his proceedings were most scandalous, and that he ought to be brought up to the Bar of that House and severely punished.²⁴

MR. SOLICITOR GENERAL ((HENRY)) SHERWOOD thought that the hon. gentleman was perfectly mistaken about the conduct of the Returning Officer, and in short knew nothing at all about the matter. Had the committee discovered any thing in the conduct of that officer, they would have felt it their duty to report it long ere this.²⁵

((There were)) some few remarks by other members²⁶.

(185)

On motion of Mr. Sherwood, of Brockville, seconded by the Honourable Mr. Baldwin,

Ordered, That Mr. Speaker do issue his warrant to the Clerk of the Crown in Chancery, to make out a new writ for the election of one member to serve in the present Parliament, for the county of Lanark, in the room and place of Malcolm Cameron, Esquire, whose election and return have been declared void.

*Courts of
Assize, Upper
Canada.*

Ordered, That the Honourable Mr. Solicitor General Sherwood have leave to bring in a Bill, to make further regulation for holding the Courts of Assize, and Nisi Prius, Oyer and Terminer, and General Gaol Delivery in Upper Canada, and to provide for the trial of prisoners under certain circumstances.

He accordingly presented the said Bill to the House,

The Sol. General ((MR. HENRY SHERWOOD)) ... stated generally the objects of the bill. To hold only one term in some districts instead of two. To bring the terms at their proper stations. Make fixed days for holding the Assizes. And to compel the Attorney General to perform the Criminal Crown business, (hear, hear,) by which about £4000 a year would be saved to the country.²⁷

(185)

and the same was received and read for the first time, and ordered to be read a second time, on Tuesday, the fourth day of February next.

MR. GOWAN moved for leave to bring in a Bill to amend that part of the Bill for the securing the Independence of Parliament, &c. &c. &c.²⁸

MR. AYLWIN wished to know if the practice of the House, not to allow the repeal of an Act passed in the last Session unless the subject had

been considered by a Committee of the whole, had been overruled.²⁹

The Speaker ((SIR ALLAN MACNAB)) replied, that this was not a Bill which required such formality.³⁰

MR. BALDWIN said that he should not offer any opposition to the Bill at this stage, but his opinion was that there was no necessity for further legislation upon the subject.³¹

(185)

Independence
of Assembly.

Ordered, That Mr. Gowan have leave to bring in a Bill, to amend an Act of the Province of Canada, intituled, "An Act for better securing the independence of the Legislative Assembly of the Province."

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Tuesday, the fourth day of February next.

District Treasurers in U.C.

Ordered, That Mr. Johnston have leave to bring in a Bill, to prevent district treasurers in Upper Canada from making any payments as such, otherwise than in current money, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Monday next.

On motion of Mr. Price, seconded by Mr. Powell,

King's College
University.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House any Despatch or Despatches from His Excellency to Her Majesty's principal Secretary of State for the Colonies, upon the subject of the University of King's College; and also copies of any Despatch or Despatches from the Colonial Secretary to His Excellency, on the same subject.

(186)

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

Stormont
Election.

Ordered, That the Select Committee, appointed to try the merits of the Petition of Alexander M'Lean, Esquire, and others, electors of the county of Stormont, complaining of the undue election and return of

Donald Aeneas Macdonell, Esquire, Sitting Member for the said county of Stormont, have leave to stand adjourned until Monday next, at ten o'clock, A.M., to enable the Petitioners to procure the attendance of certain witnesses.

Petition of
Edwin Pridham.

Ordered, That two hundred copies of the Petition of Edwin Pridham and others, of Grenville and other places, on the Ottawa river, be printed

in each of the English and French languages, for the use of the Members of this House.

Landholders,
Gaspé.

Resolved, That the Bill for the relief of certain landholders in the Gaspé district, be committed to a Committee of the whole House, on Monday next.

Agriculture,
Lower Canada.

Resolved, That a Select Committee, composed of Mr. Watts, the Honourable Mr. Morin, Mr. M'Connell, Mr. Taché, Mr. Brooks, Mr. Bertrand,

Mr. Drummond, and Mr. Lantier, be appointed to enquire into the expediency of amending the laws relating to the encouragement of Agriculture in Lower Canada, to report thereon with all convenient speed; with power to send for persons, papers, and records.

On motion of the Honourable Mr. Aylwin, seconded by Mr. Taschereau,

Board of
Works.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying His Excellency to cause an inquiry to be made

by the Board of Works as to the feasibility of procuring during each winter, to the inhabitants of the city and district of Quebec, the benefit of an ice bridge, between the city of Quebec and the parish of Point Lévy.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

Provincial
Customs,
Repeal.

The Order of the Day for the second reading of the Bill to repeal the Acts, Ordinances, and provisions of Law therein mentioned, relative to the management and regulation of the Provincial

Customs, and to duties of Customs, and other duties imposed by Provincial Laws, and to the licensing of tavern keepers and venders of spirituous and other liquors, auctioneers, distillers, hawkers and pedlars, and keepers of billiard tables, being read,³²

MR. ATTY. GENERAL ((JAMES)) SMITH ... remarked that he thought this

the better course to adopt; if any Member objected to the principle of any Bill, he might remark upon it then, but the discussion of the details would be left to Friday.³³

MR. BALDWIN expressed himself much pleased with the course which the Attorney General had taken; it was one which was in conformity with the practice of England.³⁴

(186)

The said Bill was accordingly read and committed to a Committee of the whole House, on Friday next.

Provincial Revenue.

The Order of the Day for the second reading of the Bill to provide for the management of the Customs, and of matters relative to the collection of the Provincial revenue, being read,

The said Bill was accordingly read, and committed to a Committee of the whole House, on Friday next.

The Order of the Day for the second reading of the Bill to impose a duty on persons selling spirituous or fermented liquors, or keeping houses or places of public entertainment, and to provide for the collection of the said duty, and for the regulation of such persons, being read,

The said Bill was accordingly read, and committed to a Committee of the whole House, on Friday next.

Hawkers and Pedlars.

The Order of the Day for the second reading of the Bill to impose duties on hawkers and petty chapmen, and on persons keeping billiard tables for profit, and to provide for the collection of the said duties, being read,

The said Bill was accordingly read, and committed to a Committee of the whole House, on Friday next.

Auctioneers.

The Order of the Day for the second reading of the Bill to impose a duty on auctioneers, and on goods sold by auctioneers, and on goods sold by auction, and to provide for the collection thereof, being read,

The said Bill was accordingly read, and committed to a Committee of the whole House, on Friday next.

Duty on Bank Notes.

The Order of the day for the second reading of the Bill for granting a duty on Bank notes,

issued and in circulation in this Province, being read,

The said Bill was accordingly read, and committed to a Committee of the whole House, on Friday next.

MR. THOMPSON rose and objected to the principle intended to be introduced by this measure, as unjust to the smaller Banks; the duty being collected upon the issue and not upon the capital.³⁵

(186)

Geological Survey.

*The Order of the Day for the House in Committee to consider the expediency of granting a further sum of money towards completing the geological survey, and ascertaining the mineral resources of this Province, being read,*³⁶

MR. ATTORNEY GENERAL ((JAMES SMITH)) moved the ((House into Committee)).... to grant a certain sum of money for the completion of the Geological Survey.³⁷

(186)

The House accordingly resolved itself into the said Committee.

Mr. Sherwood of Brockville³⁸, took the chair of the Committee,

MR. ATTY. GEN. ((JAMES)) SMITH said that after the discussion upon the Bill (sic) upon a previous evening, he had been anxious to meet the suggestions of Honble. gentlemen who spoke on that occasion. The Hon. Member for the 4th Riding of York had expressed a wish to see collections of specimens made; and the Member for Montreal had asked if it was the intention of Government to do anything towards providing for a building for the preservation and exhibition of these specimens. He would be happy to meet these suggestions, and he thought the best way to ascertain whether the present Bill would meet their approbation, would be to refer it to a Committee.³⁹

DR. DUNLOP said that he wanted to see the resources of the country, in order that they might be employed for the good of the country: but that could not be done without statistical information. A country without statistical information was like a merchant without books; he neither knew what his difficulties were, nor what his resources were with which to meet them; and for this reason he desired to have that information given in the fullest possible manner; but as that could not be done at once, he was willing to receive this geological part of it as an instalment. He did not imagine that the wealth of a country consisted in its gold mines; for the country in which that mineral most abounded, was the poorest in the world; he referred to South America, where the inhabitants had neglected millions of acres of the finest land in the world to turn their attention to mining. But he (Dr. Dunlop) wanted

mines that by their means a home market might be obtained for those products which were now exported, and that the farmer might be enabled to convert his corn and his cattle into some more durable commodities. It had been said that there was no coal in Canada; that was a statement of theoretical reasoners which he thought had no foundation. He could not see, because the coal vein in Pennsylvania dipped upwards, that therefore there should be no more coal nearer than the moon. He himself had seen coal on the banks of the Ottawa; and in his own district there were lead mines, and more than that, the lead was of an argentiferous quality; where they were situated he had not yet been able to ascertain, but the Indians made their bullets of the metal, and with very rough tools he had succeeded in separating from those bullets a considerable quantity of silver; quite enough to show that the mines might be worked with great success.⁴⁰

The Attorney General ((MR. JAMES SMITH)) instead of calling on the House to vote immediately £1,500 or £2,000 a year for that purpose, would make an estimate of the sum required, and therefore moved that the committee sit again on Friday.⁴¹

MR. BALDWIN felt a great pride and satisfaction in Mr. Logan's being a native Canadian, and would gladly vote any reasonable sum of money to be placed at the disposal of the Government.⁴²

((Attorney General MR. JAMES SMITH suggested that the committee rise.))⁴³

(186)

and after some time spent therein,

Mr. Speaker resumed the chair, and

Mr. Sherwood of Brockville, reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again on Friday next.

Toronto Board of Trade.

The Order of the Day for the second reading of the Bill to incorporate the Board of Trade of the city of Toronto, being read,

The said Bill was accordingly read and committed to a Committee of the whole House.

Mr. Petrie took the chair of the Committee,⁴⁴

The Solicitor General ((MR. HENRY SHERWOOD)) stated, that this bill

was merely to incorporate the Toronto Board of Trade, which had hitherto existed⁴⁵ for some years⁴⁶ without any corporation⁴⁷, but it was of opinion that its utility would be much increased by an Act of Incorporation, similar to that possessed by the Montreal Board of Trade.⁴⁸

Several amendments were concurred in⁴⁹.

(186)

and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Petrie reported that the Committee had gone through the Bill and had made several amendments thereto, which amendments were again read at the Clerk's table and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

Saints de Jesus
et Marie.

The Order of the Day for the second reading of the Bill to incorporate "La Communauté des Soeurs des Saints Noms de Jésus et Marie," of the parish of St. Antoine de Longueuil, in the district of Montreal, for the purposes of education, being read,

The said Bill was accordingly read and committed to a Committee of the whole House, on Monday next.

Clerks of
Commissioners
Courts.

The Order of the Day for the second reading of the Bill relating to Clerks of the Commissioners Courts, for the trial of small causes in Lower Canada, and to prevent their arbitrary dismissal, being read,

Ordered, That the said Bill be read a second time on Wednesday week.

(187)

Peace Officers,
Sherbrooke.

The Order of the Day for the second reading of the Bill to extend to the town of Sherbrooke the provision of a certain Ordinance therein mentioned, relating to the appointment of Peace officers and Constables, and also to explain the jurisdiction of the General Sessions of the Peace, for the district of St. Francis, being read,

The said Bill was accordingly read and referred to a Select Committee composed of Mr. Hale, the Honourable Mr. Attorney General Smith, and the Honourable Mr. Aylwin, to report thereon with all convenient speed; with

power to send for persons, papers, and records.

Fees of District
Officers, U.C.

The Order of the Day for the second reading of the Bill to regulate the Fees of certain district officers in that part of this Province called Upper Canada, being read,

Ordered, That the said Bill be read a second time, on Thursday next.

Les Soeurs
Notre Dame.

The Order of the Day for the second reading of the Bill to authorize the community of Religious Ladies called Les Soeurs de la Congrégation Notre Dame de Montreal, to acquire and hold additional real or personal property to a certain amount, being read,

The said Bill was accordingly read, and referred to the Standing Committee on Private Bills.

Municipal
Authorities,
Gaspé.

The Order of the Day for the second reading of the Bill to exempt the district of Gaspé from the operation of an Ordinance of the Governor and Special Council of the late province of Lower Canada, intituled, "An Ordinance to provide for the better internal government of this Province, by the establishment of local or municipal authorities therein," being read,

Ordered, That the said Bill be read a second time, on Wednesday week.

Chambly
Cotton
Factory.

The Order of the Day for the second reading of the Bill to incorporate the Chambly Cotton Manufacturing Company, being read,

Ordered, That the said Bill be read a second time, on Thursday next.

Séminaire de
Ste. Therese.

The Order of the Day for the second reading of the Bill to incorporate "Le Petit Séminaire de Ste. Therese de Blainville in the district of Montreal, being read,

The said Bill was accordingly read, and referred to the Standing Committee on private Bills.

Macadamized
Roads, U.C.

The Order of the Day, for the second reading of the Bill to repeal a certain part of an Act of Upper Canada, relating to macadamized roads, and to revive with reference to such roads, part of a certain other Act, relative to public highways and roads in Upper Canada, being read,

The said Bill was accordingly read, and ordered to be engrossed.

Reporter Court
of Chancery.

*The Order of the Day for the House in Committee
on the Bill to authorize the appointment of a Reporter
in the Court of Chancery, being read,*

The House accordingly resolved itself into the said Committee.

The Honourable Mr. Morin took the chair of the Committee,

MR. ((HENRY)) SHERWOOD explained the object of the Bill was to make public the decisions of the Court of Chancery, the expense to be defrayed by the members of the legal profession.⁵⁰

(187)

and after some time spent therein,

Mr. Speaker resumed the chair,

And the Honourable Mr. Morin reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

On motion of the Honourable Mr. Solicitor General Sherwood, seconded by the Honourable Mr. Aylwin,

Middlesex
Election
Commission.

Ordered, That William H. Horton, of the town of London, Esquire, George S. Tiffany, of the town of Hamilton, Esquire, and Thomas D. Warren, of the village of St. Thomas, Esquire,

be appointed Commissioners to take the evidence of the witnesses in the respective lists of witnesses given in by the Sitting Member for the county of Middlesex; and of the Petition against his return, to be laid before the Committee appointed to try the merits of the Petition against the return of the said Sitting Member, and that the said William H. Horton be the chairman of the said Commission.

Petition of
W.B. Lindsay,
junior, and
Honoré
Tanguay.

The Order of the Day for taking into consideration the reports of the Special Committee to which was referred the Petition of W.B. Lindsay, junior, of the city of Montreal; the Petition of Honoré Tanguay, of Quebec, writer, and the letter of G.W. Wicksteed, Esquire, Law Clerk, and English translator to the Assembly, being read,

The House proceeded accordingly to take the said Report into consideration, and the said Report being again read,

Mr. Christie moved, seconded by Mr. Chabot,

*That the House do concur in the report of the said Committee.*⁵¹

MR. GOWAN was opposed to the adoption of the Report. The Committee had exceeded its powers, and recommended certain persons as Translators without having been required so to do.⁵² Such a course was opposed to the practice pursued in England and in Upper Canada.⁵³ He was opposed to the practice of the subordinate officers being appointed by Committee; it was better that such should be appointed by the Clerk of the House, subject to the approbation of the Speaker.⁵⁴

MR. MOFFATT ... insisted that as the Clerk was responsible for the proper discharge of the duties of these officers, he ought to have the right of appointing them, subject to the approval of the Speaker. Such, he stated, was the English plan, and it was the only one he conceived to be consistent with the dignity of that House, and with fair play.⁵⁵ ((This)) right of appointment ... had been confirmed by an Act of Parliament, which he read.⁵⁶

COL. PRINCE ... also took a similar view, and referred to the mischief that would ensue if every petty appointment was to become a subject for discussion in that House.⁵⁷

DR. DUNLOP was averse to the time of the House being taken up by discussions upon such a paltry subject. If they went on at this rate, whenever a Messenger was wanted they would be called upon to discuss the merits of rival candidates, and listen to the excellencies of one in dusting chairs and of another in running errands. It was better that the appointments should be left to the Clerk of the House, under the Speaker.⁵⁸

MR. ((HENRY)) SHERWOOD was not aware what had been the practice of Lower Canada, but in the Upper Province these appointments had always been made by the Clerk, and the Messengers were appointed by the Sergeant-at-Arms. He objected to the reception of this Report, upon the ground that the precedent was a bad one, for the Committee had exceeded its powers. He had taken the trouble to ascertain who the persons were who had been recommended, and he had discovered that one resided at Quebec, and that another was the Editor of the Montreal Minerve!⁵⁹

MR. CHRISTIE rose and denied that such was the case.⁶⁰

MR. ((HENRY)) SHERWOOD continued. He had gone to the Chairman of the Committee for his information, and that gentleman had told him one was the Editor of the Minerve, but that if he were appointed he would give up his present situation. It therefore appeared that the Committee had made a party appointment, which was highly improper. Such appointments should be, as had been urged, made by the Clerk of the House, subject to the approbation of the Speaker. At the present time there was

no responsibility from the lower clerks to the upper and thence to the House. It was the Clerk of the House who should be held responsible for the acts of all his subordinates, and such could not be the case, unless he had the appointment of his own subordinates.⁶¹

MESSRS. LAFONTAINE, BALDWIN, CHRISTIE, and MORIN, supported the recommendation of the committee and argued that all the precedents both in Upper and Lower Canada were in their favour.⁶²

((MR. LAFONTAINE)) said such had always been the practice in Lower Canada, where constitutional practice was better understood than in any other part of British North America!⁶³

(187)

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Armstrong, Baldwin, Berthelot, Cauchon, Chabot, Christie, DeWitt, Franchère, Guillet, Jobin, Lacoste, Lafontaine, Laurin, Leslie, Macdonell of STORMONT, Méthot, Morin, Powell, Price, Rousseau, Scott, and Taché--(22.)

NAYS.

Brooks, Chalmers, Colvile, Cummings, Dickson, Duggan, Dunlop, Erma-tinger, Foster, Gowan, Greive, Hall, Jessup, Johnston, LeBoutillier, Laurason, Macdonell of DUNDAS, M'Connell, Meyers, Moffatt, Petrie, Prince, Robinson, Roblin, Sherwood of BROCKVILLE, Solicitor General Sherwood, Attorney General Smith, Watts, Webster and Williams--(30.)

So it passed in the Negative.

Conveyance of
Lands of U.C.

The Order of the Day for the House in Committee on the Bill to remove certain difficulties with regard to the conveyance of lands in Upper Canada, of which the grantor may not have possession, or of which a third party may be in adverse possession, being read,

The House accordingly resolved itself into the said Committee.

Mr. Cauchon took the chair of the Committee.

MR. ((GEORGE)) MACDONELL, of Dundas, explained that the intention of the Bill was to do away with a barbarous Statute passed in the 32d year of the reign of Henry VIII. That Statute prevented a man from disposing of land which he had not actually had in his possession for twelve months previous, under the penalty of the sale being made void,

the forfeiture of the land, and a penalty of three times its value against buyer and seller. The Judges had declared that this law was still in force in Upper Canada. He was opposed by the Hon. Member for the Fourth Riding of York; he would oppose the bill which he wished to introduce, and no doubt his arguments would have more weight in the House than his (Mr. M'Donell's) would; but for himself he could not see the weight of the arguments which he had adduced.⁶⁴

MR. ((GEORGE)) SHERWOOD, of Brockville, was not in favour of the repeal of the Statute alluded to, which merely prevented a man from selling land which was in the possession of a third party. He considered the existence of the Statute would be, and had been, of great advantage to Upper Canada.⁶⁵

MR. DUGGAN said that he was averse to the passage of the Bill in question. He believed the Statute it was intended to repeal was a good one. The case which the introducer of this measure had alluded to as having been mentioned by the Member for the Fourth Riding of York, upon the previous discussion of the Bill, was simply this: a piece of land had been in the possession of certain parties for many years, twenty or thirty, they had improved it and built upon it, when another party, who pretended to have a claim to it, sold it to a third, who thought the purchase would be a good speculation.⁶⁶

MR. SOL. GEN. ((HENRY)) SHERWOOD said that he considered the Statute in force as one of no earthly use, and if the Member for Dundas would withdraw his Bill, and introduce a short one to simply repeal the Statute, he would vote for it.⁶⁷

(187)

and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Cauchon reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again on Thursday next.

(188)

*Voting of
Clergymen
at Election.*

*Ordered, That the Order of the Day for the House
in Committee on the Bill to indemnify clergy-
men who have voted at the last general election
in ignorance of the Law, be postponed until
to-morrow, and that it be then the fifth Order of the Day,*

Petition of the
Rev. J. Paquin
and others.

Ordered, That the Order of the Day for the House in Committee on the Report of the Select Committee to which was referred the Petition of the Reverend J. Paquin and others, of the parish of St. Eustache, be postponed until Thursday next.

Private Bills.

The Order of the Day for the House in Committee on the Fourth Report of the Standing Committee on Private Bills, to which was referred the Bill to incorporate the members of the Quebec Library Association, being read,

Ordered, That the said Order of the Day be discharged.

Ordered, That Mr. Chabot have leave to withdraw the said Bill.

Quebec Library
Association.

Ordered, That Mr. Chabot have leave to bring in a Bill to incorporate certain persons under the name of the members of the "Quebec Library Association."

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Thursday next.

Then, on motion of Mr. Duggan, seconded by Mr. Johnston,

The House adjourned.⁶⁸

APPENDIX, 21 JANUARY 1845.

((NOTICE OF PROPOSED MOTIONS.))⁶⁹

MR. AYLWIN gave notice of his intention to move for an humble address to his Excellency the Governor General, praying that he would direct the proper officer to lay upon the table of the House copies of the correspondence with Lord Stanley, relative to the boundary line, between Canada and New Brunswick; and also of the correspondence relative to the late Montreal election and especially relative to the conduct of John Young, Esquire, Returning Officer at that election.⁷⁰

((WITHDRAWN MOTION FOR ADDRESS RE: BOARD OF WORKS.))⁷¹

MR. GOWAN moved an address to His Excellency, respecting the Board of Works.⁷² Copies of all the tenders made on every work was a small part of the information required.⁷³ His reason for moving so was, that he was told that there was a great deal of jobbing in this department. He was told that a gentleman made two tenders, one for work on the Richelieu and also for the Lachine canal; but both were refused although he offered the very best security. He was told of a person who a few years back was worth nothing, and is now reported to be worth £30,000.⁷⁴

The Inspector General ((MR. ROBINSON)) expressed his readiness to afford every information but suggested that as the report of the Board of Works was now in the hands of the printers and would be in the possession of hon. members in a few days, it would be better to postpone the consideration of the present motion until it was in the hands of members.⁷⁵

COL. PRINCE followed. He was in favour of the information being given, convinced as he was that the result of enquiry would be satisfactory to the House and would reflect credit on the Board of Works. He had himself been making many enquiries into alleged grievances on the part of his constituents. He had gone to the office of the Board of Works where every facility for investigating these charges had been given, and he found in every instance that the conduct of the Board of Works had been unexceptionable.⁷⁶

MR. MOFFATT hoped his friend would withdraw his motion until the House had got the report of the Chairman of the Board of Works.⁷⁷

MR. AYLWIN said that he had made a motion for returns of documents which would embrace all the objects to be attained by his hon. friend.⁷⁸

MR. BALDWIN thought that the hon. member for Leeds should confine his motion to the specific charges to which he had referred, and not go into such an extensive field of enquiry. He bore testimony to the high

character for integrity of the Hon. Chairman of the Board of Works and was convinced that his conduct would bear the fullest and most searching investigation.⁷⁹

MR. MERRITT opposed the motion on account of the great expense to which the country would be put in printing a mass of information that could be of no earthly use to any one, and which would never be read. If every tender for every work were to be furnished and printed a large volume would be occupied with them.⁸⁰

MR. GOWAN was very much surprised to hear the hon. member for North Lincoln address the House on this question; for it was generally understood, that he had had a sum of £500 offered to him by the head of the Board of Works. With regard to what that gentleman had stated as to the enquiry extending to materials, it did nothing of the sort; and as to its extending to macadamized roads, he could tell the House that they are not under the controul of the Board of ... ((Works)), except a few miles in the London District⁸¹. The improvements in the Brock and London Districts ... he attributed to the personal influence of Mr. Killaly for political purposes.⁸² He would not yield to his hon. friend for Montreal on this occasion.⁸³

MR. MERRITT remarked, that the hon. member had referred to a rumor which was spread about the country as to himself, he was glad to have the opportunity of denying that statement, the Chairman of the Board of Works had not offered him £500.⁸⁴

MR. GOWAN - Did any body else then?⁸⁵

MR. MERRITT - There was nothing said about any body else.⁸⁶

MR. GOWAN - Then it appeared that this detail was a mere quibble.⁸⁷

MR. LAWRASON bore testimony to the satisfaction in the District which he represented with the conduct of the Board of Works. He repelled Mr. Gowan's insinuations about the roads in the London District. "A main road, part of the great Province line between Quebec and Amherstburgh, it was true, passed through the London and Brock districts. Besides that a Harbour had been made at Port Stanley. But, he asked, was it not required? There had been no harbour previously on the British side of Lake Erie, while Lake Ontario was studded with them."⁸⁸

MR. CHRISTIE bore testimony to the satisfactory management of the public works in his part of the country.⁸⁹

MR. HENRY SHERWOOD ... would have been in favour of Mr. Gowan's motion but as he was assured that the information would be found in the Report of the Board he thought it better to wait.⁹⁰

MR. WILLIAMS would vote against a measure of so very extensive a

character.⁹¹

MR. DUGGAN thought that the motion was not too comprehensive, and that the many rumours which are rife in the country ought to be set at rest, but he conceived that it would be better to withdraw the motion for the present.⁹²

MR. COLVILLE hoped that the motion would be withdrawn; several motions of a similar character had been made, and the information which they required would be in a short time before the House.⁹³

MR. ROBINSON moved, seconded by the Attorney General, (East) ((MR. JAMES SMITH)), that the motion be postponed until after the report of the Chairman of the Board of Works had been received.⁹⁴

MR. GOWAN said that if he withdrew his motion it would be against the dictates of his better judgement. He was sorry to hear a Member of the Administration bringing forward an amendment which would have the effect of stifling enquiry into abuses which were believed to exist in the Board of Works. His ulterior intention was to refer the papers applied for to a select committee, appointed by the House, when the petitions against the Board, which were already before the House and others which were not yet presented, might be enquired into and judged upon.⁹⁵

MR. ROBINSON had no wish to stifle enquiry, all he desired was to save unnecessary expense, if the documents which would be shortly laid before the House did not contain all the information required, he would then be happy to support the motion.⁹⁶

MR. AYLWIN complimented Ministers upon the course they had taken in this matter; their conduct was deserving of the highest praise. It was not right to allow an office connected with the government to be assailed with generalities. If there was any definite charge let it be made.⁹⁷

MR. ROBLIN made some ... remarks.... Referring to suspicions against the Board, he asked whether all the accounts of that department with the vouchers did not go to the Inspector General whose duty it was to audit them. He asked whether hon. members opposite had no confidence in that officer, and whether it was not a direct attack on the government itself to insinuate that the Inspector General would allow anything to be done wrong by the Board of Works so far as related to money.⁹⁸

MR. GOWAN ... repl((ied)) to this by stating that the transactions he alluded to occurred before the appointment of the present Inspector General.⁹⁹ ((He)) consented to withdraw his motion, with the understanding that if the papers referred to did not contain the information he sought, that he would again bring it forward.¹⁰⁰

FOOTNOTES - 21 JANUARY 1845.

1. The debate on this matter was reported by: MONTREAL GAZETTE, 23 January 1845, and KINGSTON NEWS, 30 January 1845, in identical accounts, and the BROCKVILLE RECORDER, 6 February 1845, which contains some identical speeches, and some which are completely dissimilar from those in the GAZETTE and the KINGSTON NEWS; the BROCKVILLE RECORDER, and the ST. CATHARINES JOURNAL, 30 January 1845, in accounts which are identical except that in the ST. CATHARINES JOURNAL some speeches have been omitted entirely; PILOT, 24 January 1845; and the MONTREAL TRANSCRIPT, 23 January 1845. The PILOT, 24 January 1845, also contained a commentary.
2. MONTREAL TRANSCRIPT, 23 January 1845.
3. BROCKVILLE RECORDER, 6 February 1845.
4. MONTREAL GAZETTE, 23 January 1845. All the sources reporting the debate, except the PILOT, describe Aylwin's attack on the Government as "furious".
5. PILOT, 24 January 1845.
6. MONTREAL GAZETTE, 23 January 1845.
7. IBID.
8. IBID.
9. BROCKVILLE RECORDER, 6 February 1845. The PILOT noted that Smith "replied evidently in a very bad temper at the lecture he had received," and the MONTREAL TRANSCRIPT described his reply as having been delivered "sharply".
10. BROCKVILLE RECORDER, 6 February 1845.
11. MONTREAL GAZETTE, 23 January 1845.
12. BROCKVILLE RECORDER, 6 February 1845.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. MONTREAL GAZETTE, 23 January 1845.
20. IBID.
21. IBID.
22. The debate on this matter was reported by: BROCKVILLE RECORDER, 6 February 1845, and the MONTREAL TRANSCRIPT, 23 January 1845, in identical accounts; they contain some speeches which are identical to those in the MONTREAL GAZETTE, 23 January 1845, and KINGSTON NEWS, 30 January 1845, and some which are completely dissimilar.
23. BROCKVILLE RECORDER, 6 February 1845.
24. MONTREAL GAZETTE, 23 January 1845.
25. IBID.
26. IBID.
27. BROCKVILLE RECORDER, 6 February 1845.
28. MONTREAL GAZETTE, 23 January 1845.
29. IBID.
30. IBID.

31. IBID.
32. The following remarks are reported as having pertained to all the customs bills Smith introduced; they are inserted in the JOURNALS' description of the first such bill only for reasons of convenience.
33. MONTREAL GAZETTE, 23 January 1845.
34. IBID.
35. IBID.
36. The debate on this matter was reported by: PILOT, 24 January 1845; EXAMINER, 29 January 1845; BROCKVILLE RECORDER, 6 February 1845, MONTREAL TRANSCRIPT, 23 January 1845, and the MONTREAL GAZETTE, 23 January 1845, in accounts which were identical except that each contained speeches which the others did not. The account in KINGSTON NEWS, 30 January 1845, was identical to that in the MONTREAL GAZETTE.
37. EXAMINER, 29 January 1845, which mistakenly reported that the debate was on second reading of a bill rather than merely a discussion in Committee of the Whole.
38. According to the MONTREAL GAZETTE, 23 January 1845, it was Mr. Duggan not Mr. Sherwood of Brockville who took the chair.
39. MONTREAL GAZETTE, 23 January 1845.
40. IBID.
41. MONTREAL TRANSCRIPT, 23 January 1845.
42. IBID.
43. PILOT, 24 January 1845.
44. The debate on this matter was reported by: EXAMINER, 29 January 1845, KINGSTON NEWS, 30 January 1845, and the MONTREAL GAZETTE, 23 January 1845, in identical accounts; BROCKVILLE RECORDER, 6 February 1845; and the MONTREAL TRANSCRIPT, 23 January 1845.
45. MONTREAL TRANSCRIPT, 23 January 1845.
46. MONTREAL GAZETTE, 23 January 1845.
47. MONTREAL TRANSCRIPT, 23 January 1845.
48. MONTREAL GAZETTE, 23 January 1845.
49. MONTREAL TRANSCRIPT, 23 January 1845.
50. MONTREAL GAZETTE, 23 January 1845.
51. The debate on this matter was reported by: MONTREAL GAZETTE, 23 January 1845; PILOT, 24 January 1845; and the MONTREAL TRANSCRIPT, 23 January 1845, which also contained a commentary.
52. MONTREAL GAZETTE, 23 January 1845.
53. MONTREAL TRANSCRIPT, 23 January 1845.
54. MONTREAL GAZETTE, 23 January 1845.
55. MONTREAL TRANSCRIPT, 23 January 1845.
56. MONTREAL GAZETTE, 23 January 1845.
57. MONTREAL TRANSCRIPT, 23 January 1845.
58. MONTREAL GAZETTE, 23 January 1845.
59. IBID.
60. IBID.
61. IBID.
62. PILOT, 24 January 1845.
63. MONTREAL TRANSCRIPT, 23 January 1845.
64. MONTREAL GAZETTE, 23 January 1845.
65. IBID.

66. IBID.
67. IBID.
68. According to the MONTREAL GAZETTE, 23 January 1845, the House adjourned "soon after twelve".
69. This motion was reported by: MONTREAL GAZETTE, 23 January 1845 and KINGSTON NEWS, 30 January 1845, in identical accounts; MONTREAL TRANSCRIPT, 23 January 1845, and the BROCKVILLE RECORDER, 6 February 1845.
70. MONTREAL TRANSCRIPT, 23 January 1845.
71. The debate on this motion was reported by: BROCKVILLE RECORDER, 6 February 1845; PILOT, 22 January 1845; MONTREAL GAZETTE, 23 January 1845, and KINGSTON NEWS, 30 January 1845, in identical accounts, and MONTREAL TRANSCRIPT, 23 January 1845, which contains some identical speeches, and some which are completely dissimilar from the GAZETTE and the KINGSTON NEWS.
72. MONTREAL TRANSCRIPT, 23 January 1845.
73. PILOT, 22 January 1845.
74. MONTREAL TRANSCRIPT, 23 January 1845.
75. PILOT, 22 January 1845.
76. IBID.
77. MONTREAL TRANSCRIPT, 23 January 1845.
78. IBID.
79. PILOT, 22 January 1845.
80. IBID.
81. MONTREAL TRANSCRIPT, 23 January 1845.
82. PILOT, 22 January 1845.
83. MONTREAL TRANSCRIPT, 23 January 1845.
84. IBID.
85. IBID.
86. IBID.
87. IBID.
88. PILOT, 22 January 1845.
89. IBID.
90. IBID.
91. MONTREAL TRANSCRIPT, 23 January 1845.
92. IBID.
93. MONTREAL GAZETTE, 23 January 1845.
94. MONTREAL TRANSCRIPT, 23 January 1845.
95. MONTREAL GAZETTE, 23 January 1845.
96. IBID.
97. IBID.
98. PILOT, 22 January 1845.
99. IBID.
100. MONTREAL GAZETTE, 23 January 1845.

WEDNESDAY, 22 JANUARY 1845.

(188)

Petitions
brought up.

THE following Petitions were severally
brought up, and laid on the table:--

By Mr. Lantier, the Petition of William Duncan.

By Mr. Leslie, the Petition of William Conolly and others, citizens
of Montreal.

By Mr. Macdonell, of Stormont, the Petition of Peter Anderton, of
the Eastern district.

By Mr. Foster, the Petition of Michael Mitchell and others, of the
township of Shefford, in townmeeting assembled.

By the Honourable Mr. Aylwin, the Petition of Léon Rousseau,
Esquire, of the parish of St. Michel d'Yamaska, Member representing
the county of Yamaska.

((This petition set)) forth that a Petition had been presented
against the return of the said Petitioner for the County of Yamaska
by the defeated Candidate, J. G. Barthe and others, and praying that
the said Petition should be discharged on the grounds of informality.¹

MR. AYLWIN recited the objections: - Because the names and resi-
dences of the Petitioners were not set forth at full in the body of the
Petition; because the Petitioners did not show that they were Electors
at the time of the Election².

Cheers from the Ministerial Benches³.

((MR. AYLWIN continued:)) Because there was no certificate of the
qualification of Petitioners attached to the Petition; because there
was no statement of what oaths had been administered - (Cheers;) because
the recognizances did not set forth that they were freeholders - (Cheers;) because
the recognizances were not freeholders or electors of the
County of Yamaska; because their place of residence was not set forth;
because there was no date upon the act of recognizance; and finally
because there was no proof that six of the Petitioners had ever signed
the Petition.⁴

(188)

By Mr. Chalmers, the Petition of Thomas White and others, of the
township of Trafalgar, in the district of Gore; and the Petition of
Daniel M'Leod and others, of the townships of Nelson and Trafalgar,
in the district of Gore.

By the Honourable Mr. LaFontaine, the Petition of Louis B  langer and others, of the parish of St. Martin, in the county of Terrebonne.

By Mr. Hale, the Petition of Samuel Andres and Stephen R. Andres, of Chambly, in the district of Montreal.

((The petitioners prayed)) to be paid a balance of £10,500 for works upon the Chambly Canal.⁵

Hear, from MR. AYLWIN.⁶

(188)

Macadamized
Roads U. C.

An engrossed Bill to repeal a certain part of an Act of Upper Canada, relating to macadamized roads, and to revive with reference to such roads, part of a certain other Act, relative to public highways and roads in Upper Canada, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Smith, of Frontenac, do carry the said Bill to the Legislative Council, and desire their concurrence.

Simcoe Church
Lands.

An engrossed Bill to enable the trustees holding a certain lot in the town of Simcoe, for the use of a Church, to sell or convey the same, or any portion thereof, and to appropriate the proceeds to a like use, was read for the third time.

Resolved, That the Bill do pass, and the title be, "An Act to enable the trustees holding a certain lot in the town of Simcoe, for the use of a Church, to sell and convey the same, or any portion thereof, and to appropriate the proceeds to a like use."

Ordered, That Mr. Powell do carry the said Bill to the Legislative Council, and desire their concurrence.

Sherbrooke
Cotton Factory.

An engrossed Bill to incorporate the Sherbrooke Cotton Factory, was read for the third time.⁷

Resolved, That the Bill do pass.

Ordered, That Mr. Hale do carry the said Bill to the Legislative Council and desire their concurrence.

Petitions read.

Pursuant to the Order of the Day, the following Petitions were read:--

Of William Barrett and others, the commissioners of Common Schools in the township of Hemmingford, in the county of Beauharnois; praying that certain amendments be made to the common School Act.

Of James Wilson, of the township of Murray, praying to be indemnified for the destruction of his property at Windmill Point, by Her Majesty's Forces, during the late rebellion.

Of Robert E. Burns, and others, members of the Legal profession, praying for the establishment of two Superior Courts of common law; and that three judges be appointed to preside over the Court of Chancery in lieu of one, as at present; or that such other measures be adopted as will improve the present administration of the law.

Of Ambroise Lépine and others, of the parish of St. Barthelemi, in the district of Montreal, praying that no alteration be made in the law relative to winter roads.

Of Barnard Spring, of Compton; and of Alanson Cummings and others, of Compton, praying that their petitions of 1842, and the accompanying documents relating to the damage which they sustained while in defence of Her Majesty's territory against the people of the State of New Hampshire, may be taken into consideration.

Of William Binkley and Edward Lyons, of the township of Ancaster, in the county of Wentworth; and of George Rolph, of the township of West Flamborough, in the county of Halton, praying that the limits of the village of Dundas may not be extended, in the event of its being incorporated, as petitioned for.

Of the Home District Mutual Insurance Company, praying for the passing of an Act to render any member of the said Corporation, not being individually interested in any suit at law in which the Company is concerned, competent to give evidence in such suit.

(189)

Of Thomas R. Brock and others, members of the United Church of England and Ireland, in the township of Guelph, in the diocese of Toronto; of S. S. Strong and others, members of the United Church of England and Ireland, in Bytown and its vicinity; and of John Johnstone and others, members of the United Church of England and Ireland, in Caradoc and parts adjacent, praying for an Address to Her Majesty, recommending the passing of an Act to assign to the said Church of England such proportion of the Clergy Reserve Lands as shall correspond with her share of the funds arising from the same; and to authorize the Church Society, of the diocese of Toronto, to propose a system for the future management of their portion of the said Lands.

Of George Rowe and others, of the villages of Chippewa and Drummondville, in the district of Niagara, praying for a protective duty on carriages, harnesses, boots and shoes, leather, and other articles imported from the United States.

Of H. Williams, of North Augusta, praying to be naturalized.

Of John Bacon and others, of Brockville and its vicinity, in the district of Johnstown, praying for an increase of the duty upon leather and leather manufactures imported from the United States.

Of R. P. Coltair and others, of Brockville and its vicinity, praying for an increase of the duty upon iron castings imported from the United States.

Of William W. Whittier and others, of the district of Prince Edward, praying that no new survey be made of the third concession of Hillier, as petitioned for.

Of H. Mittleberger and others, of St. Catherines, in the Niagara district, praying that the said town may be incorporated.

Of S. Crane and others, of the district of Johnstown, praying for the construction of a plank road from Prescott to Bytown.

Of W. W. Hatelie and others, of the township of Mosa, in the district of London, praying for the construction of a bridge over the river Thames, near Wardsville, and a harbour at the mouth of Creek No. 16, in Aldborough.

Of Charles Smith and Anthony Anderson, of Quebec, praying for the passing of a Law to authorize the transfer to the Corporation of Quebec, of the right of Her Majesty to assume the bridge over the river St. Charles, near Quebec.

Of Mrs. Jennet Roy, widow of the late Thomas Roy, Civil Engineer, of the city of Toronto, praying remuneration for her late husband's services, in furnishing to the Government a Geological Section of the Province.

Of the Mayor, Aldermen, and citizens of the city of Montreal, praying for further amendments to the Act incorporating that city.

Of Jacob Smith and others, of the Midland district, praying for the construction of a road from Kingston to the Ottawa river.

Of George Wright and others, of the Home and Simcoe districts, praying for an aid to plank Hurontario street, leading from Port Credit to Lake Huron.

On motion of the Honourable Mr. Aylwin, seconded by Mr. Chabot,

<u>Yamaska</u> <u>Election.</u>	Ordered, That the Petition of <u>Léon Rousseau</u> , Esquire, of the parish of <u>St. Michel</u> <u>d'Yamaska</u> , Member representing the county of <u>Yamaska</u> , be now read, and that the rule of this House of the 28th June, 1841, be dispensed with as to the present Petition.
------------------------------------	---

The said Petition was accordingly read, and is as follows:--

Province of Canada.

To the Honourable the Legislative Assembly of the Province of Canada;

The humble Petition of Léon Rousseau, of the parish of St. Michel
d'Yamaska, in the district of Three Rivers, Physician, and one of
the Sitting Members of the said Legislative Assembly, for the
county of Yamaska, respectfully represents to your Honourable
House:--

That at the last election for the said county, your Petitioner
was duly elected to represent the said county in the present Parliament
of the said Province.

That during the present Session of the said Parliament, a Petition
was presented to your Honourable House from Joseph Guillaume Barthe,
one of the Candidates at the said election, and others, calling
themselves electors of the said county, for the purpose of contesting
your Petitioner's said election.

That the said Petition ought by your Honourable House to be thrown
out and set aside, for the following, among several other reasons:--

1st. Because no mention is made in the body of the Petition of the
names, titles, and residence of at least ten of the electors.

2dly. Because, even supposing the Petition to be really signed
by the electors of the said county, or by at least ten of the said
electors, there is no allegation made in the said Petition that those
electors were electors of the said county at the time of the said
election, and that they had a right to vote as such at the said election.

3dly. Because none of the said electors, or persons whose names
are affixed to the said Petition, took the oaths by law required in
such case, from electors signing any Petition complaining of an
election; and that supposing the said electors or persons had taken the
said oaths or any of them, no certificate thereof was given by the
Justice of the Peace by whom the said oaths may have been administered,

or, at all events, the certificate by law required in such case is not annexed to the said Petition presented to your Honourable House.

4thly. Because the sureties furnished in support of the said Petition, that is to say, Joseph Hilarion Jobin, of the city of Montreal, and John M'Donell, of the said city of Montreal, were not, at the time of the said election, nor have they since been, nor are they yet, freeholders or electors of the said county of Yamaska, and they could not therefore be offered as legal sureties in support of the said Petition, besides which, the titles and residence of the said Joseph Hilarion Jobin and John M'Donell are not mentioned in the said bond or recognizance annexed to the said Petition.

5thly. Because the day on which the said bond or recognizance was given is not mentioned therein.

6thly. Because, after a strict examination of the said Petition of the said J. G. Barthe, the said Léon Rousseau has reason to believe, that it does not appear that Joseph Smith, Moise Lemire, François Côté, Cyrille Mazurette, Alarie Martin, and Charles Lemire, six of those whose depositions under oath are annexed to the said Petition, have signed the said Petition.

That, for all the above reasons, no further proceedings, ought to be had on the said Petition presented to your Honourable House, and that the said Petition ought to be thrown out and set aside.

Wherefore your Petitioner prays that your Honourable House will take this present Petition into their most serious consideration, and determine as they see fit.

And your Petitioner will ever pray, &c.

LEON ROUSSEAU.

(190)

Mr. Colville moved, seconded by Mr. Macdonald, of Cornwall,

That one hundred copies of the said petition be printed in each of the English and French languages, for the use of the Members of this House.

The Honourable Mr. LaFontaine moved in amendment, seconded by the Honourable Mr. Aylwin,

That after the word "petition," in the said motion, the following words be added: "and of the resolution of this House, of the sixteenth.

of January instant, relating to the petition of Peter Dunn and others, complaining of the undue election and return of the Honourable Mr. Moffatt and the Honourable Mr. DeBleury, for the city of Montreal."

The question being put on the motion of amendment, it was agreed to by the House.

The question being then put on the main motion, as amended, it was also agreed to by the House, and

Ordered, accordingly.

Petitions
referred.

Ordered, That the petition of William W. Whittier and others, of the district of Prince Edward, be referred to the Select Committee to which was referred the petition of James Piersons and others, of the township of Hillier.

W. Whittier
and others.

Home District
Mutual In-
surance Com-
pany.

Ordered, That the petition of the Home District Mutual Insurance Company be referred to the Standing Committee on Private Bills.

Mayor, Alderman
and Citizens of
Montreal.

Ordered, That the petition of the Mayor, Aldermen, and citizens, of the city of Montreal, (relating to further amendments to the Acts incorporating the said city) be referred to the Special Committee to which was referred the petition of the Mayor, Aldermen, and citizens, of the city of Montreal (relating to the ordinances incorporating the said city) and other references.

J. Johnstone
and others.

Ordered, That the petition of John Johnstone and others, members of the United Church of England and Ireland, in Caradoc and parts adjacent, be referred to the Select Committee to which was referred the petition of the Church Society of the Diocese of Toronto.

G. Wright and
others.

Resolved, That the petition of George Wright and others, of the Home and Simcoe Districts, be referred to a Select Committee composed of Mr. Duggan, the Honourable Mr. Solicitor General Sherwood, Mr. Gowan, Mr. Chalmers, and Mr. Webster, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Private Bills.

The Honourable Mr. Morin, from the Standing Committee on Private Bills, presented to the House the Fifth Report of the said Committee, which was again read at the Clerk's table, and is as followeth:

Niagara
Incorporation.

Your Committee have considered the Petition of Daniel M'Dougall, of the town of Niagara, praying that that town may be Incorporated, and beg to recommend the same to the favourable consideration of your Honourable House.

With respect to the Petition of Adolphus Williams, praying for relief in the matter of an action against him for fulfilling his duties as a Pound Keeper, your Committee are of opinion that the matter of the application is one in which it is not in the power of the Legislature to interfere.

Canada Baptist
Missionary
Society.

Your Committee have examined the Bill to Incorporate the Canada Baptist Missionary Society, and have agreed to the provisions of the Bill, with the addition of the following clause:--

After the 5th clause, insert "Clause A.--And be it enacted, that it shall be incumbent on the said Corporation to submit annually to each of the three branches of the Legislature during the first fifteen days of each Session thereof, a detailed Statement, showing the immoveable property held by them with the estimated value of the same, and the revenue derivable therefrom."

Deal Cullers.

Ordered, That Mr. Armstrong be added to the Select Committee to which was referred the petition of John P. Waterson, and others, licensed Deal Cullers of the city of Quebec, and other references.

Consolidated
Revenue Fund.

Ordered, That the Honourable Mr. Robinson be added to the Special Committee to which was referred the Accounts and Statements respecting the Public Income and Expenditure of the consolidated Revenue Fund of the Province of Canada, for the year 1843. And that Mr. Merritt be also added to the said Committee in the room of Malcolm Cameron, Esquire, whose seat has been declared vacant.

Petition of
N. H. Baird.

Resolved, That the petition of N. H. Baird, Civil Engineer, be referred to a Select Committee, composed of Mr. Duggan, Mr. Meyers, Mr. Murney, Mr. Macdonald, of Kingston, and Mr. Chalmers, to examine the contents thereof and to report thereon with all convenient speed; with power to send for persons, papers, and records.⁸

MR. AYLWIN moved an address to his Excellency, praying that he would cause to be laid before the house copies of all correspondence

with Lord Stanley, on the subject of the Canada and New Brunswick boundary line. The differences on this subject began within five or six years after the establishment of the British Government in this province, and have increased until the present moment when they have risen to such a height as to arouse the people of Canada. The tract of territory in dispute between the two provinces exceeds a million of acres, and is inhabited by people who have been accustomed to the laws of Lower Canada, and are exceedingly averse to any transfer in accordance with the pretensions of the sister province. He knew that they only have to refer it to the just and fair tribunal of the Home Government, and was perfectly satisfied that in this as in all other matters, that a statement of the facts would cause justice to be done immediately to Canada and New Brunswick. The very fact of an officer, of well known talents and great experience, being sent out to perform this exploration, should convince them that it would be highly culpable not to take some steps to settle this matter.⁹

MR. BALDWIN looked upon the settlement of this point as very important, on account of the large tract of land, and the large population settled upon it. He knew that many of the first mills in the province are situated there.¹⁰

MR. ATTORNEY-GENERAL ((JAMES)) SMITH said, that as soon as the papers required were prepared, he should be ready to give any information relative to the subject, which he was in possession of. In the meantime hon. members might rest assured that it had not escaped the consideration of the Government.¹¹ ((He)) would do every thing in his power to meet the views of Mr. Aylwin, but his means of doing so are very limited.¹²

MR. BALDWIN said it is desirable that it should be proved satisfactorily, that the Home Government are taking such steps as will settle the question, and will prevent any transfer of the population from under the laws which they are accustomed to live under (sic). These were points on which it was desirable to be satisfied, if it were a mere question of acres he would not be so very careful, but he wished that great care should be used as it involved the happiness of the people living there. He perfectly agreed in the necessity of meeting this question with the utmost temperance, but at the same time it should be met with the utmost firmness, (hear, hear.)¹³

(190)

On motion of the Honourable Mr. Aylwin, seconded by the Honourable Mr. Baldwin,

Boundary
Line, New-
Brunswick.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency, will be pleased to direct the proper officer to lay before this

House, copies of all communications between the Right Honourable the Lord Stanley, Her Majesty's Secretary for the Colonies, and the Provincial Government of Canada, and between the Government of Canada, and that of the Province of New Brunswick, in relation to the boundary between the Provinces of Canada and New Brunswick, together with copies of any reports or documents connected with the question of the boundaries of the said Provinces, which may be in the possession of the Provincial Government.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

MR. AYLWIN¹⁴ in moving for an address to His Excellency, for copies of any despatches from Lord Stanley relative to the Election of Montreal, particularly as concerned the conduct of the Returning Officer upon that occasion, said, that there had been statements in circulation to the effect that Her Majesty had been pleased to signify to Mr. Young her approbation of his conduct. If such a communication had been made, the publication of that despatch would be honorable to that officer and satisfactory to the public at large! An attempt had been made by certain persons to obtain an investigation of the Montreal Election, but that House in its wisdom had thought proper to reject their petition, and refuse the investigation sought. But he believed there were some circumstances connected with that Election which needed an investigation; some of these had occurred in his own knowledge at Quebec, where he was called upon to take an active part in preventing some 70 or 80 sailors from going thence to Montreal, as it was said, "to keep the peace."¹⁵

The Attorney General ((MR. JAMES SMITH)) was sorry to interrupt the hon. gentleman, but he did not see any necessity for debate on a motion for information to be laid on the table.¹⁶ There was no opposition to the motion.¹⁷

MR. AYLWIN - What! do you not intend to oppose it?¹⁸

MR. ((JAMES)) SMITH - Certainly not.¹⁹

MR. AYLWIN said, he must express his thanks to the gentlemen opposite for their conduct, he gave them the highest credit for it; it showed that far from flying (sic) the production of these papers, they were prepared to do so.²⁰

MR. ATTORNEY GENERAL ((JAMES)) SMITH wished to explain that he did not say the papers should be produced; but that he should offer no opposition to the motion for the address.²¹

MR. JOHNSTON stood up to protect the returning officer, who was incapable of doing anything low or beneath the character of a gentleman; and it appeared to him that the present motion was made out of malice or spite.²²

The Speaker ((SIR ALLAN MACNAB)) called Mr. Johnston to order; he should not attribute improper motives to any gentleman in the House.²³

MR. JOHNSTON hoped he was not out of order. He did not speak of any hon. member in the House, but referred to the motion which appeared to make a charge on Mr. Young, and God forbid that he should ever sit quiet and hear an absent gentleman attacked.²⁴

MR. AYLWIN explained to the hon. gentleman, that he enjoyed the honour of Mr. Young's acquaintance, and from the respect he had for that gentleman would not think of making any charge against him.²⁵

(190)

On motion of the Honourable Mr. Aylwin, seconded by Mr. Chabot,

Montreal
Election.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to communicate to this House, copies of all communications which have taken place between His Excellency and the Right Honourable the Lord Stanley, Her Majesty's Secretary for the Colonies, in relation to the recent election of Members to serve in this Parliament, for the city of Montreal, and more especially with reference to the conduct of John Young, Esquire, the Returning Officer at the said election.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

(191)

Megantic
Election.

The Order of the Day for taking into consideration a motion made on the thirteenth of December last, viz:--"That the grounds and reasons of complaint, set forth in the Petition of Richard Charles Porter and others, who have complained to this House of the undue election and return of the Honourable Dominick Daly, as a Member to serve for the county of Megantic, in this present Parliament, if such grounds and reasons be true, are sufficient to make void the election of the said Honourable Dominick Daly," being read,

*The House proceeded accordingly to take the said motion into consideration.*²⁶

And the said motion being again read,

MR. AYLWIN moved, seconded by MR. CHABOT, that the allegations in the petition if proved are sufficient to make void the election.²⁷

MR. LAFONTAINE rose to oppose the motion upon the ground that the petition was informal. He spoke in French²⁸. Two of the parties whose names appeared as security were not electors of the county, as the law required. The hon. gentleman cited the two cases of the election of the county of Richelieu ... in 1825, and of the county of Northumberland in 1824, in order to show that the practice had always been in Lower Canada, and to justify the vote he was prepared to give. He also discussed at considerable length the decision come to on a previous evening on the Montreal election, which he insisted was in defiance of the precedents and of the law of Lower Canada. The hon. member ... proceed(ed) in this strain²⁹.

MR. DEBLEURY, amid considerable uproar, rose to call the hon. gentleman to order; he was taking advantage of the question before the House, and speaking in a language not generally understood upon this side to attack the decision which the House had come to upon the Montreal Election Petition.³⁰

MR. MOFFATT was about to rise at the same moment, to request that the hon. gentleman would repeat what he had said in English.³¹

MR. AYLWIN - "Translate it yourself."³²

MR. MOFFATT continued - it was out of order for the member for Terrebonne³³ -

"Speak French" from MR. AYLWIN.³⁴

((MR. MOFFATT continued:)) To make the reflections which he had done upon the House.³⁵

MR. LAFONTAINE said, it was his intention to repeat what he had said, in English. He had made no reflection upon the judgment of the House; but he said that the facts upon which the vote referred to had been based, were not true; he believed the vote was a conscientious one, but members had been misinformed upon the subject, and led into error.³⁶

MR. DEBLEURY rose to order; he appealed to the Chair if the hon. gentleman was not out of order in commenting upon a decision come to upon a previous debate, and in telling the hon. member for Leeds that he should be upon the Treasury Benches, for he was the factotum of the Ministry.³⁷

The Speaker ((SIR ALLAN MACNAB)), said that the member for Terrebonne was out of order, in commenting upon any decision the House had come to, unless he intended to move that the resolution be rescinded.³⁸

MR. LAFONTAINE said his remarks had been misconstrued. No power on earth should prevent him from speaking in his own language.³⁹

Loud cheers from the Opposition.⁴⁰

The hon. gentleman ((MR. LAFONTAINE)) then concluded his address in French, and afterwards spoke in English, as follows: -

Mr. LaFontaine - He would first state his reasons for voting against the motion before the House, they were founded upon the act of recognizance of the petition. According to the Parliamentary law and practice of Lower Canada the recognizances must be electors of the city or county for which the election was contested, and the recognizances in the petition against the return of Mr. Daly were not so. He would cite two cases bearing upon the point, from the Journals of Lower Canada; the first was the election for the County of Richelieu, in 1825, and the second for that of Northumberland or Saguenay, in the same year. In the case of the petition for the County of Richelieu, three persons had entered into recognizances; the sitting member examined the petition, and presented a counter prayer, requiring that the petition should be discharged, on the ground that the recognizances were not electors; the petition was referred to a Committee, who, after a long investigation, reported that one was not an elector of the County, that the qualification of a second was doubtful, and that the third was qualified. The petition was dismissed because it was not certain that two of the recognizances were electors. The House had by this decision sanctioned the principle that the sureties must be Electors. In the second case Dr. Laterrière had reason to suppose that the recognizances attached to a petition against his return were not valid upon the same ground, and he petitioned the House accordingly setting forth his objection; the petition was referred to a Committee who reported that the recognizances were Electors of the County, and therefore (sic) sufficient. These precedents would show to the House that the principle upon which his objection was founded had been recognized in Lower Canada. This was the reason why he would vote against the present petition, because it was not in accordance with precedents which had never been set aside. He anticipated that arguments would be advanced upon the other side against the position he had taken. He expected that it would be urged that this objection was not valid; that it would be said that the Parliamentary practice of Lower Canada required that the petitioners should set forth that they were Electors at the time of the Election. No doubt the records which had been brought up from Quebec would be appealed to, but he had examined them all, and he did not hesitate to say that in not one was it specifically stated that the petitioners were Electors at the time of the Election. He held in his hand a list of twenty-three petitions from Lower Canada; in two or three cases it might be inferred from the body of the petition, that petitioners were Electors at the time, but in no one case was it specifically set forth, and in the greater number they merely represented that they were Electors at the time of signing. The second point was

as to the formality of the oath required according to the Statute of 1829. The first Election which had occurred after the passing of that Statute, was the General Election of 1830. The first Session was held in 1831. The Statute required that there should be ten petitioners against the return of a member, and that they should be required to take the oath of qualification provided in the Statute of 1825. He expected to be met with the supposition that perhaps the oath administered might be that of majority, or perhaps it was the one against bribery, and such suppositions would probably be greeted with cheers; but in all the records he could not find a single instance of the oath administered being particularized, it was set down simply as the oath required by law. The first Election petition which had been presented after the passing of that Statute, was from Yamaska, in that there was nothing to show that any oath had been taken at all, and the petition was not entertained. The next were from Rimouski and Kamouraska, they were drawn by the same person, in these two oaths had been taken, one according to the Statute of 1825, and the other according to that of 1829; but there was no mention of the bribery oath. In the same year the election for Missisquoi was contested by Mr. Jones, and the Petition was referred to the Committee upon the Privileges of Elections, consisting of the oldest and best informed members in the House. The sitting member upon that occasion urged the same objection which had been advanced upon the Montreal Petition, that there was no oath annexed to the Petition, and that the certificate merely set forth that such had been administered according to law. The Committee reported that the formalities required by law had been complied with, and the Petition was accordingly received, and proceeded upon. In the Petition upon the contested election for the East Ward of Montreal no oath had been annexed, but a certificate was appended, an objection was made but overruled, and the Petition proceeded on. In the Petition from the West Ward of Montreal, which had been prepared by a man of great talent, a distinguished member of the bar, there was no oath annexed, but a mere general affidavit, not worth anything, yet this Petition was received and acted upon, and was finally rejected upon other grounds. Here were then two precedents which applied directly to the case which had been before the House. In the case of the Petition of Col. Gagy there was no oath set forth, but merely a certificate. How therefore could that House be called upon to declare that the practice of Lower Canada was to set forth the oaths in the petition, or that it was necessary for the petitioners to show that they were electors at the time of the election, when out of 23 cases in the records brought from Quebec, there were but two or three from which it might be inferred that they were electors, and while there were direct precedents against the other doctrine. In the second place it had been objected that the petitioners did not show that they had taken the oath of qualification as freeholders; and it was suggested that they might merely have taken the oath of not having previously voted at the election, which was absurd, for according to that a man who had voted could not petition without committing perjury. If it was declared that petitioners must

state that they are freeholders, inhabitants of Cities who were tenants would be debarred from petitioning. But it was not the practice for petitioners in Lower Canada to set forth, any such qualification, and the fact of its having been stated in two or three out of 23 cases, and that too in general expressions, did not justify its being said that such was the practice. As he had shown the objection relative to the setting forth of the oath had been taken in the case of the first election committee after the passing of the Statute, and had been decided that the certificate was sufficient; here were also two other cases since and the one in 1841; and if these precedents were not binding he did not know what could be. He concluded by saying that he would oppose the present petition on the ground that the recognizances resided in Quebec and consequently could not be electors of the County of Megantic.⁴¹

DR. DUNLOP said, the hon. gentleman who had just sat down, had in the last clause of his speech, propounded a very queer doctrine. He had said, because the securities were not electors of the place for which the election was contested, therefore they were not good securities. This appeared to him a strange hypothesis, for he had always estimated the goodness of a surety by the same standard as merchants do "good men". When he, Dr. Dunlop, was obliged to petition in an election for the County of Huron, he went to Kingston not knowing the formalities required, and had not provided himself with recognizances, but two gentlemen who had never seen Huron, and who had not as much land in the County as they could put their feet on, became his securities, and were accepted without demur.⁴²

MR. GOWAN was surprised to hear the hon. member for Terrebonne make so furious an attack as he had done upon his veracity and honour.⁴³ It was due to himself to answer him.⁴⁴

MR. LAFONTAINE said, he had not intended to cast any such imputation upon the member for Leeds, on the contrary he had complimented him upon the industry which he had displayed in examining the documents brought up from Quebec; but he had said that the hon. gentleman not being very conversant with the French language had misunderstood those documents, and had by misinterpretation misled the House.⁴⁵

MR. GOWAN said, if he had misconceived the hon. gentleman he was sorry for it. As regarded his qualification to search into the matters referred to, he admitted that such might be the case; he was indeed justly liable to the charge which had been made against him by the hon. member for Quebec on a previous evening, that he had been but a short time pursuing his legal studies. He was always ready to receive with deep humility the learned lectures and grave advice which that gentleman so freely offered him, and if he did not advance so rapidly as he ought to do under such able tuition, he was sorry for it. As a certain poet said:-

It was much wondered he learned no faster,
Instructed so well, by so able a master!

- (Laughter) - He had been charged with misleading the House, but he would prove to the House that he had not misconstrued the facts which he had laid before it. The member for Terrebonne had declared, that he had examined the whole of the documents, from which he (Mr. Gowan) had quoted upon the occasion of the debate on the Montreal Petition, and that in not one of them was it alleged that the Petitioners were Electors at the time of the Election, against which the several Petitions were presented. He had been taken by surprise by this assertion, and had had but a few moments to obtain the records in question, but he now held in his hand three of the Petitions which that gentleman had mentioned as not containing this allegation, and he called upon members upon both sides of the House to say whether or not their contents bore him out in what he had stated. The first Petition was one which the hon. member for Terrebonne had charge of, and successfully conducted through the House, and in it the Petitioners swore that they were qualified ... ((to vote)) at the election in dispute.⁴⁶

MR. LAFONTAINE. - "In the Petition?"⁴⁷

MR. GOWAN - No! In the affidavit.⁴⁸

Cries of oh! oh! from the opposition.⁴⁹

((MR. GOWAN:)) They swore that they were possessed of the necessary freehold, and had been in possession of the same for six months prior to the said election, which was the qualification to enable them to vote.⁵⁰

MR. AYLWIN said, that the allegation was not in the body of the petition.⁵¹

MR. GOWAN continued - He asked if any thing could be more grave than the affidavit of the petitioners who swore that they were not only electors at the time of signing the petition but also at the time when the election had taken place? and was it not trifling to tell the House that the parties did not allege that they were electors at the time of the election, when they had solemnly sworn to the fact, and had attached their affidavit to the petition? It was, however, stated in the body of the petition, that W. Bright, Esq., had been returned "in violation of the rights of the petitioners" - even that was sufficient proof to show that these parties were electors when the election took place; because they said that they had been deprived of their electoral rights, which, if they had not possessed, they could not possibly have

been deprived of; and the prayer of the petition is, that the House will restore these rights. The hon. gentleman then read the affidavit in which it was alleged that the petitioners had been electors at the time of the election, and for six months previously.⁵²

MR. LAFONTAINE said that the bribery oath was not there, nor the majority oath.⁵³

MR. GOWAN continued - That was not the charge. The defeat (sic) complained of was, that the petitioners had not alleged that they were electors at the time of the election; and the hon. gentleman opposite had positively asserted that he had examined all the petitions brought before the House, and did not find that allegation contained in one of them. The petition against the return for the East Ward of the city of Montreal, had also been referred to; he held in his hand the original affidavit made in that case; it set forth that the petitioners "appeared before one Austin Cuvillier, Esq. &c. and that they were at the time of the election, and for six calendar months and upwards preceding it, proprietors, &c."⁵⁴

MR. LAFONTAINE - In the petition?⁵⁵

MR. GOWAN continued - No! in the affidavit. In the petition for the Election of Megantic in the same year as the last, the same showing would be found.⁵⁶

MR. LAFONTAINE - In the petition?⁵⁷

MR. GOWAN continued - The hon. gentleman might harp upon "petition", but⁵⁸ ((he)) asked what petitions were? They were allegations against the member unduly returned; but the point was, that the parties should prove themselves to be duly qualified according to law, to come down to the House and petition; and they were to do that, not by a simple allegation, but by going before a Justice of the Peace and swearing that they possessed the necessary property at the time when the election took place.⁵⁹ (Hear)⁶⁰ He must say, therefore, that when the hon. member for Terrebonne came down, and after having taken sufficient time to read the petitions, deliberately accused him (Mr. Gowan) of attempting to mislead the House - when the hon. member did that, he must submit to the House whether he had done him (Mr. Gowan) justice.⁶¹ (Cheers)⁶² Had he concealed these documents, or attempted any concealment? On the contrary, he never carried them out of the office, but had read them in the presence of one of the Clerks of the House. And when he had introduced them to the notice of the House, the hon. Member for Terrebonne had himself taken them over to his own side, and had examined them and had commented on them⁶³. (Hear)⁶⁴. after that, to bring forward a charge against him, of having misled the House, was an attempt which the usages of Parliament would not permit him to characterize as he should otherwise do; for if he had been guilty of an attempt to falsify

the meaning of any documents which he brought before the House, with the intention of deceiving it, he would deserve nothing less than expulsion.⁶⁵ (Cheers)⁶⁶ He was glad however, that at least the hon. gentleman opposite and himself were agreed upon one point; the hon. gentleman had like himself, come to the conclusion to vote against the petition, by what process he best knew, but he (Mr. Gowan) supposed by a very different road from what he had taken; and he, therefore, hoped that there would be a unanimous vote. He was extremely sorry if any angry feelings had been excited, but he had certainly conceived that the hon. member for Terrebonne had made an unprovoked attack upon him, and he hoped, if he had not intended to do so, that he would retract the charge he had made.⁶⁷

MR. LAFONTAINE said he had made no charge whatever.⁶⁸

(191)

Mr. Gowan moved, in amendment thereto, seconded by Mr. Macdonald, of Kingston,

That all the words after "That" in the said motion, be struck out, and the following substituted, "the Petition of Richard C. Porter and others, complaining of the undue election and return of the Honourable Dominick Daly for the county of Megantic, be discharged."

MR. AYLWIN stated that the opinion which he had expressed on this subject on a former occasion was unaltered; but he had no wish now to alter a decision that the House had come to; he hoped, however, that the lesson which had been taught the people of Lower Canada, would not fail to make them pay the strictest regard to the manner in which they drew up their petitions for the future. He should never forget, and he hoped the people of Lower Canada would never forget, that when they came to that House to seek for justice, they would not be treated in the same way in which petitioners from Upper Canada are treated, (loud cries of oh, oh, and order.) - Yes! they would recollect that when they came there with their petitions, they would have lessons read to them on their own laws, and their own customs by members from Upper Canada, and that the House would require from that part of the Province a nicety in the forms of proceeding which had hitherto been unheard of.⁶⁹

Loud applause from the opposition benches.⁷⁰

MR. DEBLEURY was surprised to hear the last remark which had fallen from the hon. member from Quebec, the accusation which was contained in it against the members from Upper Canada was entirely unfounded, and nothing could show it more than the conduct in the case of the contested election for Portneuf.⁷¹

The Sol. General (West) ((MR. HENRY SHERWOOD)) after making a few observations on the merits of the case, in which he sustained the views

advocated by Mr. Gowan, remarked that he should have given a silent vote had it not been for the observations which had fallen from the hon. member from Quebec. The object of those remarks was to keep up the feelings of dislike between Upper and Lower Canada, to ask hon. members from the Eastern part of the Province, and any other persons who might learn (sic) his remarks what justice they had to expect from the House? The hon. member had brought a reflection on the members from Upper Canada which neither he, nor any other man had a right to make. (Loud cheers.)⁷²

MR. AYLWIN said that the whole point of his remark amounted only to this, that it would be necessary for the people of Lower Canada to be very careful in the preparation of their petitions, because they would be construed with much more strictness than they have ever been before.⁷³

The Solicitor General ((MR. HENRY SHERWOOD)) continued. The hon. gentleman had gone a great deal farther, he had attempted to excite feelings of distrust and dislike against the Representatives of the people of Upper Canada, and that attempt had been responded to.⁷⁴

Cheers from the opposition.⁷⁵

He ((MR. HENRY SHERWOOD)) did not believe that any similar feeling existed in the breast of any man from Upper Canada; so far from the conduct which had been imputed to them; so far from those members desiring to decide Lower Canada cases in opposition to Lower Canada practice, they had, on a previous occasion received a mere verbal statement of an individual member, without even referring to the journals, and upon that statement had decided the case of the Portneuf petition. The decision in this case was of no advantage to his side of the House, because there were two members on the other side who were petitioned against, and the petitions against them would be rejected on the same grounds, as those which had been acted upon that night. He had hoped that in a few years both sections of the Province would relinquish all prejudices, and look upon one another as fellow-countrymen; but that could never take place while an influential member of that House indulged in such language as he had just heard - while he imputed unworthy motives to the members of one part of the Province.⁷⁶

MR. AYLWIN said he had not imputed unworthy motives.⁷⁷

Cries of "You did, you did."⁷⁸

The Sol. Gen. (West) ((MR. HENRY SHERWOOD)) did not, and could not understand the remarks of the hon. member: he had listened to them with the utmost attention.⁷⁹

MR. BALDWIN rose to order. Even if the opinion of the hon. Solicitor General was correct as to what had been said, yet after the explanation of the hon. member for Quebec, he had no right to take the words in any

other sense than that in which that hon. member had used them. He agreed with his hon. friends from Quebec and Terrebonne in voting against the petition, not only on the grounds urged, but because of other objections which existed against it. He joined in the recommendation of his hon. friend for Quebec to parties who should hereafter petition the House - that they should be careful even to the dotting of an i, and the crossing of a t; for owing to a want of care in the observance of legal forms, the merits of the petition against the return of the members for Montreal had not been gone into, although it had been frankly admitted by one of those gentlemen that if its allegations were true, he ought not to be allowed to sit in that House for a single day.⁸⁰

MR. ((JOHN A.)) MACDONALD of Kingston followed.... ((His)) principal argument ... ((was)) that a precedent is not precedent unless there had been a discussion, and opposition.⁸¹

MR. ((GEORGE)) MACDONELL of Dundas - He would, therefore recur to the statute; and he did not find therein any clause, which required that parties who petitioned, should declare, that they were electors at the time of the election, - it was sufficient, if they described themselves as electors: He thought that met the first objection. - The next point was with regard to the certificates; he thought that all that was required by law had been complied with, when the magistrate certified under his hand and seal, that the parties had taken the oaths according to law. The law required his certificate, and left the matter in his hands; and the house had a right to assume, that he had not left out any essential part of his duty.

He thought it would be unjust if they did not do so. For these reasons, he felt himself obliged to vote against his friends on this occasion.⁸²

MR. ROLLAND MACDONALD ... could only express his horror at finding him ((George Macdonell)) cheered by the opposition. Though the hon. member was sitting as a judge he ought to have gone with his party.... He wound up ... by stating that he should be ready to resign his seat whenever called on by a requisition from his constituents.⁸³

MR. WILLIAMS made an explanatory speech. At one time he really had believed that the requirements of the law had been complied with.⁸⁴

MR. ROBLIN gave as a reason for his vote that Mr. Gowan had altogether failed in showing one case in point, not an instance in which a petition was rejected as informal on such grounds.⁸⁵

COL. PRINCE ... dwelt on Mr. ((Henry)) Sherwood's English precedents as an authority for proceedings under a Canadian law. He is represented to have stated that "he attached very little importance indeed to the question at issue." ... ((He said)) that "he is no party man." ... Col. Prince referred and gave weight to Mr. Gowan's 23 precedents all

which had occurred prior to the passing of the election law. And finally the hon. member went into the merits of the petition which he was determined to get rid of and declared that he (Col. Prince) had been assured by both parties that the barricades had been put up by mutual agreement.⁸⁶

(191)

The question having been put on the motion of amendment, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Armstrong, Aylwin, Baldwin, Berthelot, Bertrand, Boulton, Boutillier, Brooks, Cauchon, Chatot, Chalmers, Chauveau, Christie, Colville, Cummings, DeBligny, Desautels, DeWitt, Dickson, Drummond, Duggan, Dunlop, Ermatinger, Foster, Franchère, Gowan, Greive, Guillet, Hale, Hall, Jessup, Jobin, Johnston, LeBoutillier, Lacoste, Lafontaine, Lantier, Laurin, Lawrason, LeMoine, Leslie, Macdonald of CORNWALL, Macdonald of KINGSTON, Macdonell of DUNDAS, Macdonell of STORMONT, M'Connell, Méthot, Meyers, Moffatt, Morin, Murney, Powell, Petrie, Prince, Riddell, Robinson, Roblin, Rousseau, Scott, Seymour, Sherwood of BROCKVILLE, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Smith of WENTWORTH, Stewart of BYTOWN, Stewart of PRESCOTT, Taché, Taschereau, Webster and Williams.--(71.)

NAYS.

Price and Thompson.--(2.)

So it was carried in the affirmative.

The question being then put on the main motion, as amended, it was unanimously agreed to, and

Ordered accordingly.

St. Hyacinthe
Election.

The Order of the Day for taking into consideration a motion made on the sixteenth of December last, viz.:--"That the grounds and reasons of complaint set forth in the Petition of Léonard Boivin and others, electors of the county of St. Hyacinthe, who have complained to this House of the undue election and return of Thomas Boutillier, Esquire, as a Member to serve for the county of St. Hyacinthe in this present Parliament, if such grounds and reasons be true, are sufficient to make void the election of the said Thomas Boutillier, Esquire," being read,

The House proceeded accordingly to take the said motion into consideration.

And the said motion being again read,

Mr. Gowan moved, in amendment thereto, seconded by Mr. Riddell,

*That all the words after "That" in the said motion, be struck out, and the following substituted, "the Order of this House for taking into consideration the Petition of Léonard Boivin and others, against the return of the Sitting Member for the county of St. Hyacinthe, be discharged."*⁸⁷

MR. LAFONTAINE spoke⁸⁸.

DR. DUNLOP ((said a few words in favour of the main motion and against the amendment.))⁸⁹

The petition ... was set aside, it appearing on its face that the ten electors who signed the petition were electors at the time of the election.⁹⁰

(191)

The question being then put on the motion of amendment, a division ensued, and it was carried in the affirmative.

The question being then put on the main motion, as amended, the House divided thereon, and the names being called for, they were taken down as followeth:--

YEAS.

Armstrong, Aylwin, Baldwin, Berthelot, Bertrand, Boulton, Brooks, Cauchon, Chabot, Chalmers, Chauveau, Christie, Colville, Cummings, Daly, DeBleury, Desautier, DeWitt, Dickson, Drummond, Duggan, Dunlop, Erma-tinger, Foster, Franchère, Gowan, Greive, Guillet, Hale, Hall, Jessup, Jobin, Johnston, LeBoutillier, Lacoste, LaFontaine, Lantier, Laurin, Lawrason, LeMoine, Leslie, Macdonald of CORNWALL, Macdonald of KINGSTON, Macdonell of DUNDAS, Macdonell of STORMONT, M'Connell, Méthot, Meyers, Moffatt, Morin, Murray, Powell, Petrie, Prince, Riddell, Robinson, Roblin, Rousseau, Scott, Seymour, Sherwood of BROCKVILLE, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Smith of WENTWORTH, Stewart of BYTOWN, Stewart of PRESCOTT, Taché, Taschereau, Webster and Williams.--(71.)

NAYS.

Price and Thompson.--(2.)

So it was carried in the affirmative, and

Ordered accordingly.

Yamaska
Election.

The Order of the Day for taking into consideration a motion made on the eighteenth of December last, viz.:--"That the grounds and reasons of complaint, set forth in the petition of J. G. Barthe and others, electors of the county of Yamaska, who have complained to this House of the undue election and return of Léon Rousseau, Esquire, as a Member to serve for the county of Yamaska, in this present Parliament, if such grounds and reasons be true, are sufficient to make void the election of the said Léon Rousseau, Esquire," being read,

The House proceeded accordingly to take the said motion into consideration. And the said motion being again read,

The Honourable Mr. Aylwin moved, in amendment thereto, seconded by Mr. Chabot, that all the words after "That" in the said motion be struck out, and the following substituted "the petition of J. G. Barthe and others, against the return of the Sitting Member for the county of Yamaska, be discharged."

The question having been put on the motion of amendment, a division ensued, and it was carried in the affirmative.

The question being put on the main motion, as amended, the House divided thereon, and the names being called for, they were taken down as followeth:--

YEAS.

Armstrong, Aylwin, Baldwin, Berthelot, Bertrand, Boulton, Boutillier, Brooks, Cauchon, Chabot, Chalmers, Chauveau, Christie, Colville, Cummings, Daly, DeBleury, Desautier, DeWitt, Dickson, Drummond, Duggan, Dunlop, Ermatinger, Foster, Franckère, Gowan, Greive, Guillet, Hale, Hall, Jessup, Jobin, Johnston, LeBoutillier, Lacoste, LaFontaine, Lantier, Laurin, Laurason, LeMoine, Leslie, Macdonald of CORNWALL, Macdonald of

(192)

KINGSTON, Macdonell of DUNDAS, Macdonell of STORMONT, M'Connell, Méthot, Meyers, Moffatt, Morin, Murney, Powell, Petrie, Prince, Riddell, Robinson, Roblin, Scott, Seymour, Sherwood of BROCKVILLE, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Smith of WENTWORTH, Stewart of BYTOWN, Stewart of PRESCOTT, Taché, Taschereau, Webster and Williams.--(71.)

NAYS.

Price and Thompson.--(2.)

So it was carried in the affirmative, and

Ordered accordingly.⁹¹

Indemnification
of Clergymen.

*The Order of the Day for the House in Committee
on the Bill to indemnify clergymen who have voted
at the last general election in ignorance of the
law, being read,*

The House accordingly resolved itself into the said Committee.

*Mr. LeMoine took the chair of the Committee,*⁹²

MR. AYLWIN spoke amid great confusion⁹³.

DR. DUNLOP got up and spoke from the opposition side of the table, occasionally turning his back on the Reporter's box. We understood him to say that the clause under which penalties were incurred had been introduced by the Hon. Jacob AE. Irving, but, from the hilarity which prevailed, it is impossible for us to report, with any precision, what was said. The Hon. Gentleman moved the first reading of the Bill.⁹⁴

MR. BALDWIN did not see how any distinction ... exempting from penalties, could be made between one class and another. He felt that this class was least entitled to be singled out for favour, for it was the most likely to be well informed of the impropriety or the ... for it. He had no objection to a ... Bill of Indemnity for all the penalties incurred under the Act. He had no objection to take charge of such a Bill, but (so we understood) could not do so under the preamble of the present one.⁹⁵

MR. DEWITT repeated his statement of an alleged wilful violation of the law.⁹⁶

DR. DUNLOP had no objection whatever to extend the relief to every class of grievances under the bill, but he had undertaken the relief of a particular class.⁹⁷

MR. DEWITT repeated his statement.⁹⁸

MR. COLVILLE explained - The individual to whom Mr. DeWitt alluded had told him that he had never taken any active part in politics, but had always exercised his right as a British freeman, and that, when told by Mr. DeWitt, a brother of the opposing candidate, that he had no right to vote, the Returning Officer made every search and could find no prohibition, nor had he any in his instructions as a clergyman of the Church of Scotland. The dictum of an opposing party was not exactly law without further confirmation, and here none could be found, so, therefore, it was to be presumed he voted in ignorance of the law.⁹⁹

MR. BOULTON stated a similar case, in which a clergyman had voted for Mr. Baldwin (we understood) in spite of his (Mr. Boulton's) warning

that such a law was in existence. But this was not to be taken as a wilful violation of the law, when the Act could not be produced and its existence was disbelieved.¹⁰⁰

MR. DRUMMOND objected to the principle of the Bill, but would not oppose it. He thought that it should not apply to parties against whom proceedings had already been instituted on the faith of the law, but that at all events there should be an effectual provision for securing to plaintiffs in suits now pending something more than the mere taxed costs, which was all the bill named. He moved a clause allowing reasonable compensation for expenses and loss of time incurred in prosecution of suits, such expenses to be taxed.¹⁰¹

MR. BOULTON thought it was enough to provide for the payment of taxed costs.¹⁰²

MR. ((HENRY)) SHERWOOD thought it was a case in sympathy, when persons were incurring penalties, not for the commission of any crime, but on the exercise of an ancient and previously unquestioned privilege in ignorance of the law depriving them of it.¹⁰³

The first clause was then carried without a division.¹⁰⁴

On the second clause, we understood the Solicitor General ((MR. HENRY SHERWOOD)) to introduce words indemnifying all other persons sued under the Act.¹⁰⁵

MR. DRUMMOND moved an amendment to the bill, for the purpose of giving compensation to the plaintiffs in actions which had been already commenced. He thought, that as the law had induced those persons to step forward in these trials, it ought at least to compensate them for their time, and the travelling expenses which they had incurred in the prosecution of the suits.¹⁰⁶

MR. DUGGAN spoke ... against the bill of last Session as so monstrous a violation of the liberties of the subject that it might well seem incredible. Parties prosecuting under it were entitled to no very tender consideration. They were heartless persons who, whether from mercenary or vindictive feelings had come forward to turn informers for the purpose of undermining those who had innocently given a vote. The trouble and loss of time of such people deserved no special compensation, nor in civil petitions where parties received taxed costs were such matters considered.¹⁰⁷

MR. JOHNSTON, amid great laughter, gave notice that if Mr. Drummond persevered, he would move that if a counsel in his bill charged any un-taxable sum, he should pay £12 10s. and all costs.¹⁰⁸

MR. COLVILLE would support Mr. Drummond's amendment, not for any love for the former, but fiat justitia ruat calum, and the former was quite right in law when he provided (sic) under the Act. This was a bill granting great indulgence and justice should be given to all parties.¹⁰⁹

The Solicitor General ((MR. HENRY SHERWOOD)) said, that he did not see why these people should have more than the cost allowed by law; the gentlemen who were being sued, had been guilty of no crime, except this: - they could not believe that they had been deprived of their inherent rights as British subjects. While he was upon that part of the subject, he would tell the House that the Bill had been perfectly ineffectual, to prevent clergymen from interfering with politics; for the very denial of their rights had made them exercise an influence, which but for that act of injustice, they would never have made use of.¹¹⁰

COL. PRINCE thought this was an extraordinary case. They were about to take away what the law had given, for whether the statute was right or wrong, the law gave the informer a title to a large sum of money, and before taking it away he should be compensated for all the expenses he had gone to. He thought the law an excellent law, and would not vote for its repeal. He saw nothing more unconstitutional in depriving clergymen of the right of voting, than Judges and Collectors of Excise. It was a benefit both to Clergymen and their congregations for the former to be left ((?)) out of the field of politics.¹¹¹

MR. ((HENRY)) SHERWOOD said, that so far from preventing Clergymen ((from)) taking a part in politics, this very law had, at the late election, made them exert themselves more vigorously than they ever did before. They resented the law.¹¹²

MR. ROBLIN opposed the amendment. He had no sympathy with informers.¹¹³

MR. DRUMMOND said that it was absurd for the Solicitor General to say that he would allow the informer all the law allows him, for the law allows him £500.¹¹⁴ ((He)) was surprised to hear the remarks of the Solicitor General because he thought that a gentleman who held his high legal office ought to be the very last man to say any thing, which would encourage the feeling that it was right or proper for any man, much less for clergymen to oppose themselves to the spirit of a law, when they dared not violate the letter of it.¹¹⁵

The Solicitor General ((MR. HENRY SHERWOOD)) complained that his remarks were misrepresented by the hon. member for Portneuf,¹¹⁶ "not the first or second ((misrepresentation)) from that quarter."¹¹⁷

MR. DRUMMOND wished to explain, the Solicitor General had made use of such expressions as had that effect not only on his mind but also on that of every member present. Did not the hon. Solicitor General, with that tone of eloquence and, that haughty bearing, so peculiar to himself, say that every man proud of his rights should be lauded for taking the course pursued by those reverend gentlemen?¹¹⁸

The Solicitor General ((MR. HENRY SHERWOOD)) - "The hon. gentleman has misrepresented me, I said no such thing." - Cries of "no, no."¹¹⁹

((MR. DRUMMOND:)) Did not the hon. Solicitor General applaud as a noble act, those ministers for going directly against the spirit of the law, although they dare not act against its letter? (No, no.) If that were not what the learned Solicitor General said, then he was glad he had made those remarks, as the expressions made use of by the Solicitor General, without explanation, would have a bad effect without the bar.¹²⁰

MR. AYLWIN was far from feeling any affection for informers, but according to the laws of England they were admitted to be necessary, a necessary evil; and whatever may be the feelings of the heart it must be admitted that they had a right to prosecute. Should the amendment pass, and such a sum of money only allowed to the informer as will pay the expense he was at in the prosecution, he would ask where was the line of distinction to be drawn? He did not object to it, but nevertheless it went against one of the first principles of law. And if the house took the £500 from the informer, it took from him a vested right, a right which the law gave him and by which he expected to have that £500 in his pocket. And it would be quite as just to do the same with all other disbursements, as the money was expended in the prosecution of a right which the law gave him.¹²¹ One party might be entitled to favour, but both to justice.¹²²

((There was)) prolonged discussion¹²³.

The amendment was rejected¹²⁴.

(192)

and after sometime spent therein,

Mr. Speaker resumed the chair,

And Mr. LeMoine reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor General,

Province Line.

Return to an Address of the Legislative Assembly to His Excellency, the Governor General, praying that His Excellency would be pleased to cause to be laid before this House, a copy of the report made by Alphonso Wells, on the line of division between the two sections of this Province, which formerly constituted the Provinces of Upper and Lower Canada, with such information

and documents as His Excellency may think proper to communicate with regard to the said line.

(For the said Return, see Appendix T.)

Also,

Damages,
Beauharnois.

Return to an Address of the Legislative Assembly to His Excellency, the Governor General, praying that His Excellency would be graciously pleased to cause to be laid before the House, copies of the valuation of damages sustained by the inhabitants of St. Clément and St. Timothée de Beauharnois, in the neighbourhood of the Beauharnois canal, as estimated by Captain Wetherall and C. Manuel, Esquire, together with such other information on the subject, as His Excellency may deem fit to communicate.

(For the said Return, see Appendix U.)

Commutation
of Tenure.

The Order of the Day for the second reading of the Bill, the better to facilitate commutation of the tenure en roture in the Seigniories and Fiefs in Lower Canada, into that of free and common soccage, being read,

Ordered, That the said Bill be read a second time, on Monday, the tenth of February next.

Monopoly of
Streams.

The Order of the Day for the second reading of the Bill, to declare illegal the existing monopoly of streams, mill sites, and water powers, cleared and exercised in the Seigniories in Lower Canada by the respective seigniors and proprietors thereof, being read,

Ordered, That the said Bill be read a second time, on Monday, the tenth day of February next.

Public Accounts.

The Order of the Day for the second reading of the Bill to prescribe the manner in which the Public Accounts shall be annually laid before the Legislature, being read,

The said Bill was accordingly read, and referred to the Special Committee, to which was referred the Accounts and Statements respecting the Public Income and Expenditure of the Consolidated Revenue Fund, of the Province of Canada, for the year 1843.

Parish of St.
Sylvester.

The Order of the Day for the second reading of the Bill, to detach the parish of St. Sylvester from the county of Lotbinière, and to annex it to the county of Dorchester, for the purposes of Registration only, being read,

The said Bill was accordingly read, and committed to a Committee of the whole House.

The Honourable Mr. DeBleury took the chair of the Committee, and after sometime spent therein,

Mr. Speaker resumed the chair,

And the Honourable Mr. DeBleury reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again to-morrow.

Registry Laws. The Order of the Day for the second reading of the Bill, to alter and amend the registry laws of that part of the Province, which was formerly Upper Canada, being read,

The said Bill was accordingly read a second time, and committed to a Committee of the whole House, on Thursday, the thirtieth instant.

Intestate Estates. The Order of the Day for the second reading of the Bill for the more equal distribution of the property of persons dying intestate in that part of this Province, called Upper Canada, being read,

Ordered, That the said Bill be read a second time, on Thursday, the thirtieth instant.

Nuns, Three Rivers. The Order of the Day for the House in Committee on the Bill to authorize the Nuns of the Ursuline Convent at Three Rivers, to acquire and hold additional real and immoveable property, to a certain amount being read,

The House accordingly resolved itself into the said Committee.

Mr. Meyers took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Meyers reported that the Committee had gone through the Bill, and had made an amendment thereto, which amendment was again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

Taxes, District of Huron. The Order of the Day for the House in Committee on the Bill to provide for the recovery of the rates or taxes, intended to be imposed by certain

bylaws of the district Council of the district of Huron, being read,

Ordered, That the said Order of the Day be postponed until Monday next,
and that it be then the first Order of the Day.

(193)

Medical School
Montreal.

The Order of the Day for taking into consideration the Report of the Special Committee, to which was referred the Petition of Francis C. T. Arnoldi, M. D., and others, lecturers and students in and of the medical school of the city of Montreal, called the College of Medicine and Surgery; and the Petition of A. F. Holmes, M. D., and others, the Faculty of Medicine, of the University of M'Gill College, being read,

The House proceeded accordingly to take the said Report into consideration.

And the said Report being again read, and the question of concurrence being put thereon, it was unanimously agreed to by the House.

Then, on motion of Mr. Johnston, seconded by Mr. Macdonell, of Dundas,

The House adjourned.¹²⁵

APPENDIX, 22 JANUARY 1845.

((NOTICE OF PROPOSED MOTIONS.))

M. LEBOUTILLIER a demandé permission d'introduire un bill pour donner aux juges à paix, dans le district de Gaspé, le pouvoir de faire des règles pour la préservation de la pêche de saumon.¹²⁶

M. CAUCHON a donné avis ... que mardi prochain il erait motion pour référer à un comité spécial la requête de la société de Discussion de Québec.¹²⁷

M. TACHE - que mercredi prochain il demandera aux membres de l'administration s'ils ont intention d'appliquer une partie de l'argent public à l'amélioration de la navigation entre Québec et les ports d'enbas de la province, en érigeant des quais et autres ouvrages à certaines distances où la chose est praticable, pour que les bâtiments puissent y accoster à toutes les phases de la marée, dans la vue d'encourager plus spécialement la navigation par la vapeur dans cette partie de la province.¹²⁸

((COMPLAINT AGAINST PARLIAMENTARY REPORT IN MONTREAL TIMES.))¹²⁹

COL. PRINCE called the attention of the House to misrepresentation of the remarks which he had made on a preceding evening, which occurred in a report of the Times newspaper. The learned gentleman said that he could conceive of no greater nuisance than, that persons who professed to report what was uttered in the House should misrepresent what occurred there. He believed that generally speaking, the reporters were desirous of doing what was right, nor would he do the reporter of the Times the injustice to believe that he intentionally misrepresented what he (Col. P.) had said, but the thing was so absurd - so utterly ridiculous that he could not help noticing it. Reporters should know that they were in their box only by sufferance - that it was only by the indulgence of the members of that House that they could report any of its proceedings and although he would be the last person to wish to deprive the press of a privilege which it had possessed almost from the commencement (sic) of the Parliament itself, yet as he did not wish his friend 200 miles away to suppose that he talked absolute nonsense, he would (if such errors occurred again) make use of his right and move that reporters be excluded. The hon. gentlemen (sic) then read as follows:

"Col. Prince also supported the bill, and he thought that he could do so without at all acting against the tenderness which he entertained for public officers since he found the following clause in the bill, that they shall be executed or sent to Van Dieman's Land, Botany Bay, or any other foreign place."

The hon. gentleman added that his constituents would certainly believe that he had had a horn too much when they read the account of what he had said which had been thus given by this learned reporter.¹³⁰

FOOTNOTES - 22 JANUARY 1845.

1. MONTREAL GAZETTE, 25 January 1845.
2. IBID.
3. IBID.
4. IBID.
5. IBID. The MONTREAL GAZETTE mistakenly reported "Andrews" instead of "Andres".
6. MONTREAL GAZETTE, 25 January 1845.
7. According to LE JOURNAL DE QUEBEC, 25 January 1845, the bill encountered "un peu d'opposition".
8. The debate on this matter was reported by: MONTREAL GAZETTE, 25 January 1845; BROCKVILLE RECORDER, 13 February 1845; LE JOURNAL DE QUEBEC, 28 January 1845; LE CANADIEN, 29 January 1845; and the BRITISH COLONIST, 31 January 1845.
9. BRITISH COLONIST, 31 January 1845.
10. IBID.
11. MONTREAL GAZETTE, 25 January 1845.
12. BROCKVILLE RECORDER, 13 February 1845.
13. BRITISH COLONIST, 31 January 1845.
14. The debate on this matter was reported by: MONTREAL GAZETTE, 25 January 1845; BROCKVILLE RECORDER, 13 February 1845; BRITISH COLONIST, 31 January 1845; LE CANADIEN, 29 January 1845; MONTREAL TRANSCRIPT, 23 January 1845, copied by KINGSTON NEWS, 30 January 1845; LE JOURNAL DE QUEBEC, 28 January 1845; and the PILOT, 20 January 1845.
15. MONTREAL GAZETTE, 25 January 1845.
16. BRITISH COLONIST, 31 January 1845.
17. MONTREAL GAZETTE, 25 January 1845.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. BRITISH COLONIST, 31 January 1845.
23. IBID.
24. IBID.
25. IBID.
26. The debate on this matter was reported by: BROCKVILLE RECORDER, 30 January 1845, and the GLOBE, 11 February 1845, whose accounts were copied from the PILOT, 20 January 1845; MONTREAL GAZETTE, 23 January 1845, whose account was copied by the BRITISH COLONIST, 28 January 1845. The BRITISH COLONIST, edited and changed its account but acknowledged the MONTREAL GAZETTE as its source. The debate was also reported by: the PILOT, 29, 31 January 1845, whose accounts were copied by LE JOURNAL DE QUEBEC, 15, 18, 20 February 1845, and LA MINERVE, 3, 6 February 1845; BROCKVILLE RECORDER, 13 February 1845; MONTREAL TRANSCRIPT, 23 January 1845; PILOT, 24 January 1845; EXAMINER, 29 January 1845; LE JOURNAL DE QUEBEC, 25 January 1845; and LA MINERVE, 23 January 1845. The MONTREAL GAZETTE, 25 January 1845, contains an account of the Megantic election debate and of several other debates which, though apparently excellently reported, are almost useless for our purposes. Pieces of the newspaper have been completely destroyed, and nowhere is legibility

very good. As a result, selections occurring in the middle of the debate had to be reproduced from newspapers which contain less full accounts. This is because there is simply no way of deciphering or transcribing the GAZETTE's report even by consulting the original paper as is sometimes necessary. Moreover, newspapers such as the KINGSTON CHRONICLE and the GLOBE, which often carried identical or edited versions of the same reports found in the GAZETTE, happen not to be extant for this day. The EXAMINER, another possibility, contains a mere sketch of the debate, which is of almost exclusively Lower Canadian interest. This comment and explanation applies equally to all the debates which follow the Megantic election debate.

27. MONTREAL GAZETTE, 25 January 1845.

28. IBID.

29. MONTREAL TRANSCRIPT, 23 January 1845.

30. MONTREAL GAZETTE, 25 January 1845.

31. IBID.

32. IBID.

33. IBID.

34. IBID.

35. IBID.

36. IBID.

37. IBID.

38. IBID.

39. IBID.

40. IBID.

41. IBID. The PILOT, 29, 31 January 1845, contains a great deal of information about the debate on the Megantic election petition which occurred on 22 January 1845. The information is prefaced by this remark:

"We have obtained from Mr. LaFontaine a note of the precedents cited by him in his speech on the Megantic petition. ... We shall state them as briefly as possible without attempting to give a report of the speech of the Hon. Gentleman." There follows a very long list of precedents, explanations of them, and commentaries on their value as precedents in this particular case. The precedents cited as having been referred to specifically on 22 January 1845 are quoted in full below, complete with commentary, for the latter may certainly be taken as representing LaFontaine's opinions on this matter as well as Hincks': indeed, the nature of the following report makes it impossible to distinguish between reporter and reported. Nor is it clear from the PILOT how much LaFontaine actually cited in his speeches on 22 January, and how much he merely referred to the precedents. For all these reasons, it is best to simply include all this material in a footnote.

"1st. 1818. Election for the county of Quebec. The record contains but few extracts of witnesses' evidence. The petition is not in the record. But it is printed in the Journal of the Assembly of 1818, pages 21, 22 and 23. The entry is as follows.

"A petition of John Neilson, Esquire, and others, freeholders, and having a right to vote as electors for the County of Quebec, whose names are thereunto subscribed, was read to the House by Mr. A. Stuart." In

that petition, the petitioners do not "represent themselves to have been freeholders at the time the election complained of occurred."

The House, however, received the petition; an investigation took place, and the election was declared null. It may here be observed that in his petition, Mr. John Neilson complained of his opponent having "procured and conveyed to the place of the said election, at his cost and charges, a numerous body of electors, SEAMEN, and others, having no right to vote at the said election," stated that it was so done "to subvert the constitution of this Province." A numerous body of SEAMEN was also "procured and conveyed" at the recent election for Montreal. No investigation will take place, in consequence of the votes of the members of the Administration.

2nd 1820. Election for the county of Bedford. (translation) "The most humble petition of the electors of the county of Bedford." In this petition which is to be found in the Journals of the House of Assembly of Lower Canada, of 30th December 1820, the petitioners do not "represent themselves to have been freeholders at the time the election complained of occurred." Yet the petition was received, and upon investigation of the facts therein contained, the election was declared null on the 31st December 1821.

3rd. 1825. Election for the county of Hampshire. (translation) "The petition of Joseph Dorion, of the city of Quebec, merchant, and of the freeholders having a right to vote as electors for the county of Hampshire, undersigned."

In this petition which is to be found in the Journal of the House of Assembly of Lower Canada, of the 14th January 1825, the Petitioners do not "represent themselves to have been freeholders at the time the election complained of occurred." However the petition was received, and upon investigation, the election was declared null. See page 287 of the Journals of 1826.

4th. 1825. Election for the Lower Town of Quebec. (Translation). "The humble petition of the undersigned having a right to vote as electors for the Lower Town of the City of Quebec."

In this petition which is printed in the Journals under date of 20th January 1835 (sic) , the petitioners do not "represent themselves to have been freeholders at the time the election complained of occurred." Yet the petition was received; commissioners were appointed to make investigation of the facts set forth in the petition; but it appears that their proceedings ended with the death of the contesting candidate, Mr. James McCallum.

5th. 1825. Election for the county of Northumberland. (Translation.) "The petition of several freeholders having a right to vote as electors for the county of Northumberland." This petition is entered in the Journals under date of 20th January 1825. The petitioners do not "represent themselves to have ... been freeholders and electors at the time the election complained of had occurred." The petition was however received; commissioners were appointed in the usual form; but afterwards the contestation was discontinued by the petitioners. - See page 282 of the Journals, the letter of the petitioner's agent.

6th. 1825. Election for the county of Richelieu. (Translation.)

"The most humble petition of the electors of the county of Richelieu most respectfully sheweth." The contents of the petition are to be found in the Journals under date of 19th January, 1825. - The petitioners do not "represent themselves to have been freeholders and electors at the time the election complained of occurred." - Yet the petition was taken into consideration by the House. But the sitting member having by petition, represented that the sureties were insufficient, this latter petition was referred to a committee, upon the report of which the House recognized the insufficiency of the recognizances, and upon this ground alone it was resolved that "the House would proceed no further on the petition," that is to say, the petition against the election.

7th. 1825. Election for the Borough of William Henry. "The petition of divers electors of the Borough of William Henry. The petition is to be found in the Journals under date of 14th Jan. 1825. The petitioners do not "represent themselves to have been freeholders and electors at the time the election complained of occurred." Nevertheless the petition was received by the House which, on the 25th January, 1825, resolved, "that the grounds & reasons of complaint set forth in the petition.... if true, were sufficient to make void the election ...

No ulterior proceedings were had on the petition, because the seat of Mr. Uniacke whose election was contested became vacant a few days after, in consequence of his having been made a Judge of the Court of King's Bench of the District of Montreal. See page 112 of the Journals of 1st February 1825.

8th. 1825. Election for the county of Buckinghamshire.

"The humble petition of divers electors of the county of Buckinghamshire."

The petition is entered in the Journals under date of 21st. January 1825. The petitioners do not "represent themselves to have been freeholders and electors at the time the election complained of occurred." They complained of no notice of the election having been given in several places. The petition was received and referred to a special committee, composed of Messrs. Cuvillier, Vallieres, Neilson, Borgia and Berthelot. On the 18th February 1825, the committee reported, after having examined several witnesses, "that as far as practicable all the formalities required by law had been observed."

9th. 1827. Election for the borough of William Henry.

The election of Dr. Wolfred Nelson was contested by the friends and supporters of Mr. James Stuart, the unsuccessful candidate who then was Attorney General, and is now the Chief Justice of Lower Canada. The petition, it appears, is in his own hand writing. It states.

"The humble petition of many of the Inhabitants of the Borough of William Henry, having a right to vote at the election of a Burgess or Representative to serve in the Provincial Parliament for the said borough, as well for themselves as other electors of the said borough.

The petitioners do not "represent themselves to have been freeholders and electors at the time the election complained of occurred."

The Petition was presented on the 4th of December 1828, and a few days after, its allegations, if true, were declared sufficient in the usual form. See page 122 of the journals. Commissioners were appointed; their report was laid before the House on the 2d February 1830. But it does not appear that there were any further proceedings in the matter before the dissolution of Parliament, which took place during that year.

10th. 1827. Election for the Borough of Three Rivers. "The Petition of P. B. Dumoulin, Esq., one of the candidates at the last election for the borough of Three Rivers, F. Noiseux, Charles, Mondelet &c. (other names mentioned,) electors for the Borough of Three Rivers." The Petition is in the journals under the date of 2d February 1827. The Petitioners do not "represent themselves to have been freeholders and electors at the time the election complained of occurred." Yet the allegations were declared in the usual form, if true, to be sufficient to make void the election. See Page 62 of the journals. Commissioners were appointed to make the investigation. The dissolution of Parliament in 1827 put an end to that contestation.

11th. 1827. Election for the Upper Town of Quebec. (Translation.) "The Petition of Pierre Faucher, &c. (other names are mentioned) all electors of the Upper-Town of Quebec." This petition was presented on the 4th December 1828. On the 4th March 1829, the consideration was postponed to the then next session. But it does not appear, from the journals of 1830, that any proceedings were had upon the petition in that session which has been the last session of that Parliament. The contestation appeared to have been abandoned. Its principal object was to try the question of the right of women to vote at elections. In the Petition the Petitioners do not "represent themselves to have been freeholders and electors at the time the election complained of occurred."

The eleven above mentioned elections took place before the passing of the said act of 1829. The first general election after the passing of that act, was that of 1830. The first new Parliament was opened on the 24th January 1831. Several elections were contested. It was then for the first time that the act of 1829 was to receive its application.

No. 14, 1831 - which was referred to the Standing Committee on Privileges and Elections. It will be observed that in every instance in which an oath was set forth at length by the petitioners, it was in accordance with one of the old election laws, repealed by the act of 1829, which merely required a certificate. We need not add another word on this subject, but we must express surprise at the Upper Canada members appealing to those from Lower Canada not to vote for Mr. Roblin's Intestate Estate Bill after adopting a resolution of Mr. Gowan, an Upper Canada member, on the interpretation of a Lower Canada law, and of Lower Canada Parliamentary practice, in opposition to a large majority from Lower Canada. As to Messrs. Viger and Papineau, the foot-balls of the Upper Canada Tories, their conduct is beneath contempt. So long as they get their salaries they are willing to submit to anything proposed by their supporters. The Toronto Patriot candidly admits that the result of the party division on this question "must be the withdrawal

of all confidence from any decision arrived at in such a manner." He, however, "concurs with the majority," in defiance of the letter of the law and of the Parliamentary practice of Lower Canada. He talks of "a slip" made by the petitioners. - There was none. It is false. The greatest care was taken to avoid "a slip"; but if law and precedent are both to be violated with impunity by a majority, there can be no safety for any petitioner.

The extracts from the Election Records recently brought up from Quebec, are therefore continued.

12th. 1831. Election for the county of Yamaska. "The Petitioners do not represent themselves to have been freeholders and electors at the time the election complained of occurred." Their Petition was presented on the 4th February 1831, but was not proceeded upon its merits, because there was nothing to show that the Petitioners had in any respect complied with the requirements of the Act of 1829. There was no oath, nor certificate.

13th. Election for the county of Bonaventure. The election of Mr. John Gosset was contested by Mr. Hamilton, who, at the close of the Poll, had 228 votes, while Mr. Gosset had but 90; yet the latter gentleman had been returned by the Returning Officer as duly elected.

On the 2nd February 1831, there is presented, on behalf of Mr. Hamilton, a petition which is not signed by any elector; it is signed only by Mr. Hamilton. It was resolved that if the contestation could not be decided during that session, the investigation should be continued in the following session. In the second session, the proceedings were continued to the next session, in consequence, it would appear, of the absence of the Poll Book.

In the 3rd session, on the 17th Nov. 1832, another Petition is presented from Mr. Hamilton, signed by himself alone, and setting forth that the Poll Book was then before the House, and praying that the conclusions of his first petition should be granted, that is to say that the return of the Returning Officer should be amended by substituting therein the name of Mr. Hamilton. The matter was referred to the standing Committee on Privileges and Elections, which reported, on ... the 4th December 1832, in favour of Mr. Hamilton. On the 10th the report of the committee was adopted, and Mr. Hamilton took his seat.

14th. 1831. Election for the county of Missisquoi. "The Petition of Joseph Baker, &c., (other names are mentioned) and others, the Petitioners hereto, all of Missisquoi in the Province of Lower Canada." The petition is to be found in the Journals under the date of 5th February 1831. The Petitioners do not "represent themselves to have been freeholders and electors at the time the election complained of occurred." There is no oath set forth at length accompanying a certificate from a Justice of the peace as required by the Act of 1829. It evidently appears, by the report of the standing committee on privileges and elections to which the petition had been referred, that as early as in 1831, it had been contended that a petition of that nature should be accompanied with the oaths and not with the certificate of

the Justice of the peace only. That committee, in their report made on the 16th February 1831, state "that they are of opinion that the formalities required by law as to the securities and the qualification of electors have been complied with." It was afterwards proceeded upon that petition, by the appointment of Commissioners who reported in the second session. The proceedings were then postponed to the next session. No subsequent proceedings appear to have taken place on the merits of that contestation, owing, in all probability, to the unsuccessful candidate, Mr. Robert Jones, having been, during the third session of that Parliament, summoned to the Legislative Council. The question as to the sufficiency of the certificate and the absence of the oaths set forth at length, was therefore solemnly decided on the occasion of that election for Missisquoi. It was so decided immediately after the first general election which had taken place since the passing of the Act of 1829.

15th. 1831. Election for the county of Rimouski. (Translated). "The Petition of F. Lavoix (9 other names are mentioned) all farmers of the parish of St. Patrice in the county of Rimouské in the District of Quebec and electors of the said county." The Petitioners do not in their petition "represent themselves to have been freeholders and electors at the time the election complained of occurred." Yet the petition was received. Commissioners were appointed; and upon their report of facts, the election was declared null on the 19th Dec. 1831. The petition is entered in the journals under the date of 28th January 1831 (sic). To that petition were affixed two oaths in writing as having been taken by each of the Petitioners. They were oaths intended to prove their qualifications as being proprietors. Then why two oaths of the same nature? It is more than can be explained. Each of these oaths so reduced to writing contains an assertion somewhat strange. In the first, the Petitioner swears that his land "came to him by descent or inheritance, marriage, contract of marriage, or by devise." In the second, the same Petitioner swears "that he is owner and possessed of ... an estate in fief or roture, or derived from certificate of the Governor and Council of the Province of Quebec, or in virtue of some Act or Acts of the Legislature of this Province, lying and being ... and that the same came to him .. by descent or inheritance, marriage, contract of marriage, or by devise."

Of the above two oaths, it would appear that the one was taken according to the form No 3 prescribed by the statute of 1825, which form was repealed by the act of 1830, ch. 50, and that the other was taken according to the form required by the said act of 1830.

The oath of bribery is not affixed to the petition, nor the oath of majority, at least in the form prescribed by the act of 1825. As to the latter point, it is stated only in the two oaths above referred to as being affixed to the petition, that the petitioner "has attained the full age of twenty-one years," although in the two forms of the statutes according to which the said two oaths have been taken, no mention is made of the age of majority of the elector.. Therefore it may be said that the oath of majority, as required by the act of 1825, had not been taken according to law by the petitioners against the

election of Rimouski, and that there was but one oath affixed to the petition, since the other was a nullity in law. The petition was, however, received and followed with ulterior proceedings. There was besides the two oaths above mentioned a certificate of the Justice of the Peace.

16th. 1831. Election for the county of Kamouraska. (Translation.) "The petition of Pierre Canac dit Marquis, of the place or parish of St. André, in the county of Kamouraska, of Elzéar Bédard, Esquire, of the city of Quebec, of Honoré Michand (and 9 others are mentioned) all farmers of the parish of St. André, in the county of Kamouraska, in the District of Quebec, and of several others, undersigned, electors of the said county of Kamouraska."

The petition is to ((be)) found in the Journals under date of 28th January, 1831. The petitioners do not, in their petition, "represent themselves to have been freeholders and electors at the time the election complained of occurred." Yet the petition was received. As to the oaths and certificate, they were the same as in the case of the election of Rimouski. Commissioners were appointed, and upon their report of the facts resolutions were moved to declare the election null, but they were negatived. See pages 263, 64, 65 of the Journal of 1832.

17th. 1832. Election for the East Ward of Montreal. (Translation.) "The undersigned citizens of Montreal, proprietors and electors duly qualified of the East Ward of the city of said Montreal."

The petition is entered in the Journals under date of 28th November, 1832. The petitioners do not, in their petition, "represent themselves to have been freeholders and electors at the time the election complained of occurred," and no oath is affixed to the petition; there is but a certificate from the Justice of the Peace, stating that the petitioners had taken before him "the oath of their legal qualification." The petition was received upon a division of 39 against 12. The objection made to its reception was not founded upon the absence of the three oaths, but only upon the fact that the recognizance had not been directly transmitted to the Speaker by the Judge before whom it had been entered into. The House, by receiving the petition, had therefore considered the certificate of the Justice of the Peace as a legal proof of "the oath of qualification" as required by the act of 1829 having been administered to and taken by ten petitioning electors. The very fact of an objection having been urged against the reception of the petition, and that objection not being founded upon the absence of "oaths set forth at length", shows beyond a doubt that the question was a settled question, and would not have been allowed to be mooted again. The question had been decided the year previous in the contestation of the election of Missisquoi. Upon that petition against the election of the East Ward of Montreal, commissioners were appointed, but their proceedings had not yet terminated when the dissolution of Parliament took place in 1834.

18th. 1835. Election for the West Ward of Montreal.

"The petition of John Donnellan, of the city of Montreal, and William Walker, of the same place, two of the candidates at the last election of

two members to serve in your Honourable House for the West Ward of the said city of Montreal, and of the under-written electors being freeholders (duly qualified according to law) of the said West Ward."

The petition does not appear to have been entered in the Journals of the House. On the 3d November, 1835, a motion for its reception was negatived by a division of 51 against 10. The petition had been prepared by one of the ablest lawyers of this Province, the late Mr. Walker, who was one of the unsuccessful candidates at that election. The petitioners do not, in their petition, "represent themselves to have been freeholders and electors at the time the election complained of occurred."

Not one of the oaths as required by the 16th section of 1825 was affixed to the petition: there was however a kind of general affidavit which from what was stated in the House during the recent discussion made it clear that this affidavit had been taken in accordance with the requirements of a statute which either had ceased to be in force, or did not apply to the case. Other objections had also been urged against the reception of the petition. But supposing that the said general affidavit was regular and could have been considered as the property qualification oath, though no property was described in it, there would still have been (sic) to oppose the reception on the ground of the absence of the oath of majority and of that of bribery, if it were essential that all those oaths should be set forth at length in writing and affixed to the petition.

19th 1834. Election for the county of Stanstead.

"The petition of Marcus Child, Esq., of the Township of Stanstead, in the county of Stanstead in the said Province, one of the candidates at the election lately held in said county of Stanstead, for a member to represent the said county in the said Parliament, and of the under-signed electors in the said county. His Majesty's dutiful and loyal subjects."

The Petition is entered in the Journals under date of 13th January 1831. The petitioners do not, in their petition, "represent themselves to have been freeholders and electors at the time the election complained of occurred."

To this petition was affixed but one oath, that is to say a property qualification oath; it was taken separately by the Petitioners, and in the whole of its tenor it is in conformity to the form of the oath No. 3 prescribed by the act of 1825, with the exception of the following words of that form, viz., "that you have not already voted at this election," which words are left out in the case of those Petitioners who had voted. There is no oath of majority nor of bribery. As to the property qualification oath taken by the Petitioners against the election of Stanstead, it was null, for it had been taken according to the said form of oath No. 3 of the Act of 1825, while such form was repealed by the Act of 1830, ch. 50, which had substantiated another form of oath for county electors. The oath so taken being therefore a nullity, it may be said that the petition was not accompanied with any legal oath at all. Yet the petition was received, and it is clear that it ought to have been so received, even if it had been signed by the candidate alone, on that very principle upon which Mr. Hamilton's petition had been received

in the case of the Bonaventure election, since that petition was of the same nature and to the same effect. At the close of the election Mr. Child had the majority of votes; however the Returning Officer had taken upon himself to return the other candidate as duly elected. Like Mr. Hamilton, Mr. Child asked that the return should be amended, which was done upon the report of the Standing committee on Privileges and elections, then composed of Messrs. Bourdages, Stuart, Vanfelson, Bédard, Cuvillier, LaFontaine and Neilson.

20. 1835. Election for the county of Megantic. "The petition of the undersigned to wit, of the county of Megantic in the Province of Lower Canada, farmers, electors, having duly qualified according to law for the county of Megantic aforesaid, contesting the election of the said county and the return of J. G. Clapham, Esquire, as member to represent the said county in the House of Assembly of this Province."

In this petition, the petitioners do not "represent themselves to have been freeholders & electors at the time the election complained of occurred." To the petition is affixed a certificate from the Justice of the Peace who had administered the oath. There is also an affidavit of a general nature, evidently intended to be taken as a property qualification oath, but there is no property described in it. There is no oath of majority, nor of bribery. On the 7th of March, 1835, the consideration of the motion made to receive the petition was, as it was generally the case, postponed to another day. But it appears that the contestation was abandoned by the petitioners, for no proceedings were had upon it since the 7th of March, 1835.

21st. 1836. Election for the Upper Town of Quebec. (Translation.) "The petition of the undersigned proprietors duly qualified by law as electors for the Upper Town of Quebec."

The petition is to be found in the Journals under date of 1st October, 1836. The petitioners do not, in their petition "represent themselves to have been freeholders and electors at the time the election complained of occurred." To the petition is affixed a property qualification oath taken separately by the Petitioners, and almost similar to the form of that oath prescribed by the Act of 1825. There are however some additions. There is no oath of majority nor of bribery; the petition was received three days before the prorogation of the session; and ulterior proceedings upon it were postponed to the next session. The latter session was opened in 1837 and was but of a few days duration, and the constitution of Lower Canada was afterwards suspended.

The foregoing extracts will clearly show to the satisfaction of any impartial man that the two objections taken by Mr. Sherwood to the reception of the Montreal Petition could not be justified by any precedent of the House of Assembly of Lower Canada. 1st. In not a single one of the twenty one cases of petitions above cited do the petitioners represent to have been freeholders and electors at the time the election complained of occurred." It is true that in four or five of those cases, viz., (Richelieu, William Henry, Rimouski, Kamouraska, and perhaps Stanstead,) there are in the petitions some general words, such as,

"against the rights of the Petitioners" or "rights violated," which might induce one "to draw the inference from the petition," that the Petitioners intended to state that they were electors duly qualified at the time of the election. But even if it were so, it would not yet be sufficient in the opinion of Mr. Solicitor General Sherwood, for he said, "If the House supply an omission of that kind, & draw the inference from the petition that the parties complaining were duly qualified, it would but lend itself to the encouragement of similar attempts upon the seats of other hon. members of the House, and deprive them of that security which the law of Parliament had thrown around them." 2nd. In not a single one of all the cases of controverted elections above cited, subsequent to the passing of the said Act of 1829, have the three oaths, to use the language of Mr. Gowan's motion carried by the Ministerial majority of two, "been set forth at length and apart from the certificate of the Justice who administered the same."

Since the Union of the two Provinces, there is a case in point, that of the contested election for the county of St. Maurice in 1841. There is no oath affixed to the petition. There is but a certificate from the Justice of the peace. Yet the petition was received, proceeded upon and finally decided on its merits. It must also be observed that, if Mr. Gowan's motion was correct, it would deprive tenants in cities, though electors as such, of the right of contesting and petitioning against an election, for, according to the averment in that motion electors petitioning against an election should represent them as freeholders.

When the petition against the election for Megantic came under discussion, it was objected to by Mr. LaFontaine on the ground that if in point of fact, the two persons who had entered into the recognizances required by law, were not electors in the county the recognizance was a nullity according to the Parliamentary practice of Lower Canada; he admitted at the same time that the Petitioners had a right to adduce evidence to prove, if required by the sitting member, that those two persons were electors in the county. Mr. LaFontaine, in support of his objections, cited the two following precedents.

1st. 1825. Election for the county of Richelieu. On the 22nd January 1825, a petition was presented on behalf of Messrs. Dessaulles and de St. Ours the sitting members, setting forth among other things, "that the surety by law required for the cost of contested elections has been given, in respect of the election for the county Richelieu, by persons not possessing any property in the said county, and therefore by no means qualified to give such security as electors," and praying that "upon proof of the facts alleged," the petition of the electors for the county of Richelieu should be set aside "for default of surety by law required." The petition of the sitting members was referred to a committee of five persons, composed of Messrs. Taschereau, Berthelot, Lagueux, Quirouet and Vallières. The report of the committee was made on the 4th February 1825. The committee had examined several witnesses as to the qualification of the three persons who had signed

the recognizance; and in their report they stated: "it is manifested to them that Martin Metherbes, one of the sureties, is not an elector for the county Richelieu; that it is doubtful whether Mr Guillaume Boutillier be an elector for the said county, and that it appears, that Jean Marie Langlois dit Germain is an elector for the said county."

On the 7th February 1825, it is resolved by the House "in as much as it appears to this House that the security given by the persons complaining against the election for the County of Richelieu is not according to law, this House will proceed no further on their petition."

2nd, 1825. Election for the County of Northumberland. On the 25th of January 1825, a petition is presented on behalf of Mr. de Sales Laterrière, the sitting member, setting forth, "that the petitioner did not until yesterday learn that the sureties given in support of the petition of the electors of the County of Northumberland, are insufficient, and in contradiction to the law which requires them to be electors of the County." This petition was referred to a committee of five members, composed of Messrs. Berthelot, Bourdages, Cuvillier, LaGueux and Viger. The committee, after examining witnesses made on the 8th February, 1825 the following report "your committee have heard and recorded the evidence before recited, and the petitioner (Mr. Laterrière) having admitted the sufficiency of the security of Messrs. Laberge and Huot, are of opinion that the security of the petitioners against the election of the said Mr. Laterrière is sufficient."

42. MONTREAL GAZETTE, 25 January 1845.

43. IBID.

44. BROCKVILLE RECORDER, 13 February 1845.

45. MONTREAL GAZETTE, 25 January 1845.

46. IBID.

47. IBID.

48. IBID.

49. IBID.

50. IBID.

51. BROCKVILLE RECORDER, 13 February 1845.

52. IBID.

53. IBID.

54. IBID.

55. MONTREAL GAZETTE, 25 January 1845.

56. IBID.

57. IBID.

58. IBID.

59. BROCKVILLE RECORDER, 13 February 1845.

60. MONTREAL GAZETTE, 25 January 1845.

61. BROCKVILLE RECORDER, 13 February 1845.

62. MONTREAL GAZETTE, 25 January 1845.

63. BROCKVILLE RECORDER, 13 February 1845.

64. MONTREAL GAZETTE, 25 January 1845.

65. BROCKVILLE RECORDER, 13 February 1845.

66. MONTREAL GAZETTE, 25 January 1845.

67. BROCKVILLE RECORDER, 13 February 1845.

68. IBID.
69. BROCKVILLE RECORDER, 13 February 1845. The MONTREAL TRANSCRIPT, 23 January 1845, reported that "Mr. Aylwin has re-commenced his old trick of mimicking in the House. It will be recollected that the hon. member got himself into a scrape by this practice before, and we prophesy that if he continues it, it will not be long before he finds himself in difficulty again."
70. BROCKVILLE RECORDER, 13 February 1845.
71. IBID.
72. IBID.
73. IBID.
74. IBID.
75. IBID.
76. IBID.
77. IBID.
78. IBID.
79. IBID.
80. IBID.
81. PILOT, 20 January 1845.
82. IBID. "The hon. member was of course cheered by the opposition while uttering such ... sentiments."
83. PILOT, 20 January 1845.
84. IBID.
85. IBID.
86. IBID.
87. The debate on this matter was reported by: MONTREAL GAZETTE, 25 January 1845, which is virtually illegible; BROCKVILLE RECORDER, 13 February 1845; and the MONTREAL TRANSCRIPT, 23 January 1845.
88. MONTREAL GAZETTE, 25 January 1845.
89. IBID.
90. MONTREAL TRANSCRIPT, 23 January 1845.
91. According to the MONTREAL TRANSCRIPT, 23 January 1845, MONTREAL GAZETTE, 25 January 1845, and the BROCKVILLE RECORDER, 13 February 1845, this petition was discharged for the same reasons as the preceding ones.
92. The debate on this matter was reported by: MONTREAL GAZETTE, 25 January 1845, KINGSTON NEWS, 30 January 1845, and the BRITISH COLONIST, 28 January 1845, in identical accounts, the BRITISH COLONIST somewhat edited and changed though acknowledging the MONTREAL GAZETTE as its source; LE JOURNAL DE QUEBEC, 25 January 1845; PILOT, 24 January 1845; BRITISH COLONIST, 31 January 1845; BROCKVILLE RECORDER, 13 February 1845; and MONTREAL GAZETTE, 25 January 1845.
93. MONTREAL GAZETTE, 25 January 1845.
94. IBID.
95. IBID. In this text ellipses represent illegible words.
96. IBID.
97. IBID.
98. IBID.
100. IBID.

101. IBID.
102. IBID.
103. IBID.
104. IBID.
105. IBID.
106. BRITISH COLONIST, 31 January 1845.
107. MONTREAL GAZETTE, 25 January 1845.
108. IBID.
109. IBID.
110. BRITISH COLONIST, 31 January 1845.
111. MONTREAL GAZETTE, 25 January 1845.
112. IBID.
113. IBID.
114. IBID.
115. BRITISH COLONIST, 31 January 1845.
116. IBID.
117. MONTREAL GAZETTE, 25 January 1845.
118. BRITISH COLONIST, 31 January 1845.
119. IBID.
120. IBID.
121. IBID.
122. MONTREAL GAZETTE, 25 January 1845.
123. IBID.
124. BRITISH COLONIST, 31 January 1845.
125. According to the MONTREAL GAZETTE, 25 January 1845, the House "rose at a late hour".
126. LE JOURNAL DE QUEBEC, 28 January 1845.
127. IBID.
128. IBID.
129. This exchange was reported by BRITISH COLONIST, 31 January 1845; MONTREAL GAZETTE, 25 January 1845, which is virtually illegible; and MONTREAL TRANSCRIPT, 23 January 1845.
130. BRITISH COLONIST, 31 January 1845.

THURSDAY, 23 JANUARY 1845.

(193)

PRESENT:--

Quorem.

Mr. Speaker.

Armstrong, Brooks, Chauveau, Dunlop, Ermatinger, Jessup, Lafontaine,
Leslie, Macdonald of CORNWALL, Macdonell of STORMONT, Murney, Seymour,
Stewart of BYTOWN, Stewart of PRESCOTT, Thompson and Williams.

And at half-past three o'clock, P.M., Mr. Speaker adjourned the House
for want of a quorum.

FRIDAY, 24 JANUARY 1845.

(193)

Adjournment.

ON motion of Mr. Macdonell, of Dundas,
seconded by Mr. Dunlop,

Ordered, That this House do now adjourn until half-past three o'clock, this afternoon, in consequence of the Select Committee, appointed to try the merits of the Petition of Samuel Wood and others, electors of the North Riding of the county of Lincoln, district of Niagara, complaining of the undue election and return of William Hamilton Merritt, Esquire, as a Member to represent the said North Riding of the county of Lincoln, in this present Parliament, having adjourned to meet at three o'clock, P. M., this day.

The House adjourned accordingly.

HALF-PAST THREE O'CLOCK, P. M.

Petitions
brought up.

The following Petitions were severally
brought up, and laid on the table:--

By the Honourable Mr. Moffatt, the Petition of Adam Handyside, of the city of Montreal, distiller.

By Mr. Riddell, the Petition of the Reverend William Bettridge, B. D., and others, members of the United Church of England and Ireland, in the rectory of Woodstock, in the district of Brock, (relating to the Clergy Reserves:) and the Petition of the Reverend William Bettridge, B. D., and others, members of the United Church of England and Ireland, in the rectory of Woodstock, in the district of Brock, (relating to schools.)

By Mr. Price, the Petition of David Caldwell and others, of the township of Esquesing, in the Gore district.

By Mr. Boulton, the Petition of the Reverend George S. J. Hill and others, members of the United Church of England and Ireland, in the town of Perth and its vicinity, in the diocese of Toronto; the Petition of S. B. Ardagh, M. A., and others, members of the United Church of England and Ireland, in the town of Barrie, in the diocese of Toronto; and the Petition of James Creage and others, members of the United Church of England and Ireland, in Tecumseth and West Guillimbury, and parts adjacent.

By Mr. Lantier, the petition of Daniel A. Wilson, and others, of the Parish of St. Ignace du Coteau du Lac.

By Mr. Taché, the petition of L. Blais, and others, of the parishes of St. Thomas, St. Pierre, and Cap St. Ignace.

By Mr. Hale, the petition of John Felton, and others, of Sherbrooke and Lennoxville.

By Mr. Stewart, of Bytown, the petition of C. L. Bellows, and others, of M'Nab, and other townships; and the petition of Ruggles Wright, and others, inhabitants on the Ottawa river, interested in the production of lumber.

By Mr. Greive, the petition of John Whiteford, and others, of Three Rivers.

By the Honourable Mr. Attorney General Smith, the petition of William Baker, and others, Trustees of Dunham Academy.

By Mr. Chalmers, the petition of John Lyon, and others, occupiers of Clergy Reserve Lots, in the township of Esquesing, in the county of Halton.

By the Honourable Mr. Robinson, the petition of Thomas Heyes, and others, of Essa, and other townships.

By Mr. Gowan, the petition of Noah Halloday, and others, of the ninth concession of the township of North Crosby, in the district of Johnstown.

By Mr. Brooks, the petition of William R. Doak, and others, of the township of Compton, in the district of St. Francis.

By the Honourable Mr. Aylwin, the petition of John Curtain, and others, Cullers of Quebec.

By Mr. Johnston, the petition of J. B. Lewis, and others, of Richmond and its vicinity, in the district of Dalhousie.

On motion of the Honourable Mr. Solicitor General Sherwood, seconded by the Honourable Mr. Morin.

Norfolk Elec-
tion Commis-
sion.

Resolved, That this House do nominate and appoint, under the hand and seal of Mr. Speaker, three Commissioners for the purpose of examining the witnesses of the parties in the matter of the controverted Election for the county of Norfolk, and that Peter W. Rapeljie, of the town of Vittoria, Esquire, Frederick Thomas Wilkes, of the town of Brantford, Esquire, and Peter Young, of the town of

Vittoria, Merchant, be such Commissioners, who shall be authorized and empowered to hold their sittings at the town of Simcoe. The first sitting to be held at Simcoe aforesaid, on the fifteenth day of February next, with the said Peter W. Rapeljie as Chairman of the said Commission.

(194)

North Lincoln Election.

Ordered, That the Select Committee appointed to try the merits of the petition of Samuel Wood, and others, electors of the North

Riding of the county of Lincoln, district of Niagara, complaining of the undue election of William Hamilton Merritt, Esquire, as a Member to represent the said North Riding of the county of Lincoln, in this present Parliament, have leave to adjourn until Monday next, at ten o'clock, A. M.

Court of Chancery.

An engrossed Bill to authorize the appointment of a Reporter in the Court of Chancery, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Solicitor General Sherwood do carry the said Bill to the Legislative Council, and desire their concurrence.

Toronto Board of Trade.

An engrossed Bill to incorporate the Board of Trade of the city of Toronto, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Solicitor General Sherwood do carry the said Bill to the Legislative Council, and desire their concurrence.

Clergymen voting at Election.

An engrossed Bill to indemnify Clergymen who have voted at the last general election, in ignorance of the Law, was read for the third time.

Resolved, That the Bill do pass, and the title be, "An Act to indemnify Clergymen and others, who have voted at the last general election in ignorance of the Law."

Ordered, That Mr. Dunlop do carry the said Bill to the Legislative Council, and desire their concurrence.

Nuns, Three Rivers.

An engrossed Bill to authorize the Nuns of the Ursuline Convent at Three Rivers, to acquire and hold additional real and immoveable property to a certain amount, was read a third time.

Resolved, That the Bill do pass, and the title be, "An Act to authorize the Nuns of the Ursuline Convent at Three Rivers to acquire and hold additional real and immoveable property, to a certain amount."

Ordered, That Mr. Greive carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the Day, the following Petitions were read:--

Of the Honourable R. U. Harwood and others, of the county of Vaudreuil, praying for an aid to make a road from opposite the ferry at Vaudreuil to the city of Montreal.

Of J. J. Maitland and J. C. Becket, of the Canada Sunday School Union, praying that measures be adopted to establish a cheap and uniform rate of postage.

Of the Reverend A. N. Bethune and others, members of the United Church of England and Ireland, in the town of Cobourg, in the diocese of Toronto; of Jonathan Shortt and others, members of the United Church of England and Ireland, in the village of Port Hope and its vicinity, in the diocese of Toronto; and of Thomas Fidler and others, members of the United Church of England and Ireland, in the village of Fenelon Falls, in the diocese of Toronto, praying for an Address to Her Majesty, recommending the passing of an Act to assign to the said Church of England such proportion of the Clergy Reserve Lands as shall correspond with her share of the funds arising from the same, and to authorize the Church Society, of the diocese of Toronto, to propose a system for the future management of their portion of the said Lands.

Of Jane Allsopp, of the parish of Cap Santé, complaining that by the Act 59 George III, chapter 27, her late husband was unjustly deprived of certain rights and privileges, in the seigniority of Jacques Cartier and d'Auteuil, and praying relief.

Of the Honourable James Kerr, of Quebec, praying for a grant or pension for his long services as Judge of the Court of King's Bench, so as to enable him to make provision for his daughter before his decease, or that an allowance or pension may be granted to her after his death.

Of Albert Furniss, of Montreal, praying for a certain amendment to the Act incorporating "the city of Toronto Gas Light and Water Company."

Of the Reverend John Cordner and others, of the city of Montreal, belonging to the religious denomination, commonly called Christian Unitarians, praying to be admitted to the enjoyment of certain civil rights and privileges.

Of Thomas A. Corbett, Sheriff, and others, of the Midland district, and of Thomas W. Robinson, Esquire, Mayor and others, of the town of Kingston, in the Midland district, praying for aid to construct a road from Kingston to the Ottawa.

Of William Dixon and others, of the township of Smith, in the district of Colborne, praying that the Act establishing Municipal Councils, may be repealed.

Of George Jones and others, of the Midland district, praying for an aid to construct a road from Kingston to the Ottawa.

Of Robert Froste, of the city of Montreal, complaining of certain damage to his property by the construction of the St. Lawrence canal, and praying relief.

Of John Vauloon and others, landholders, in the tenth and eleventh concessions of the township of Leeds, in the district of Johnstown, praying that the eastern boundary of the said concessions may be established as the governing point, from which lands are to be surveyed.

Of James Brooks and others, of the district of Johnstown, praying for an increase of the duty of leather, and leather manufactures imported from the United States, and for certain alteration in the mode of imposing such duty.

Of W. Duncan, praying for the passing of an Act to enable him to collect the balance yet due him, for the erection of a bridge across the river Delisle, in the parish of St. Polycarpe.

Of William Connelly and others, citizens of Montreal, praying that the St. Mary's, St. Lawrence, and Queen's Wards may be so divided, as to render the Municipal representation of the said Wards, more just and equal.

Of Peter Anderton, of the Eastern district, praying that his unpaid claim as contractor on the St. Lawrence canal, may be submitted to the investigation and final decision of Mr. Mills, acting Engineer on the said canal.

Of Michael Mitchell and others, of the township of Shefford, in town meeting assembled, praying that the present system of Common Schools may be amended.

(195)

Of Thomas White, and others, of the township of Trafalgar, in the district of Gore, praying that the Clergy Reserve Lands may not be assigned, as petitioned for; but that they may be sold agreeably to the provisions of the Imperial Statute, 3 and 4 Victoria, chap.78.

Of Daniel M'Leod, and others, of the townships of Nelson and Trafalgar, in the district of Gore, praying for an aid to complete the main road leading from Hamilton to Toronto.

Of Louis Bélanger, and others, of the parish of St. Martin, in the county of Terrebonne, praying that they may be allowed to use the old Traines on the winter roads; and that the turnpike on the road from the said parishes to Montreal, may be at a certain place.

Of Samuel Andres, and Stephen R. Andres, of Chambly, in the district of Montreal, praying for the payment of the sum of £10,616 17s. 6d., with interest from the 12th December, 1841; being the amount for which they have obtained judgment against the Commissioners of the Chambly Canal.

Petitions
referred.

T. R. Brock
and others.

Ordered, That the Petition of Thomas R. Brock, and others, members of the United Church of England and Ireland, in the township of Guelph, in the diocese of Toronto, be referred to the Select Committee to which was referred the petition of the Church Society of the diocese of Toronto, and other references.

Rev. R. Blakey
and others.

Ordered, That the Petition of the Reverend Robert Blakey, and others, members of the United Church of England and Ireland, in the town of Prescott, and its vicinity, in the diocese of Toronto, be referred to the said Committee.

J. Shortt and
others.

Ordered, That the Petition of Jonathan Shortt and others, members of the United Church of England and Ireland, in the village of Port Hope and its vicinity, in the diocese of Toronto, be referred to the said Committee.

Reverend A. N.
Bethune and
others.

Ordered, That the Petition of the Reverend A. N. Bethune and others, members of the United Church of England and Ireland, in the town of Cobourg, in the diocese of Toronto, be referred to the said Committee.

Rev. J. Cordner
and others.

Ordered, That the Petition of the Reverend John Cordner and others, of the city of Montreal, belonging to the religious denomination commonly called "Christian Unitarians," be referred to the Standing Committee on Private Bills.

P. Anderton.

Ordered, That the Petition of Peter Anderton, of the Eastern district, be referred to the

Select Committee to which was referred the Petition of John Reid and Robert Shepherd, of the city of Montreal.

On motion of Mr. Thompson, seconded by Mr. Powell,

Private Bills. Ordered, That the Select Committee, to which was referred the Petition of the Reverend Theobald Schneider and others, of the district of Niagara, be discharged from the further consideration of the said Petition, and that the said Petition be referred to the Standing Committee on Private Bills.

Winter Roads. Ordered, That so much of the Petition of Louis Bélanger and others, of the parish of St. Martin, in the county of Terrebonne, as relates to winter roads and vehicles, be referred to the Select Committee to which was referred the Petition of Michel Houle and others, of the city of Montreal, carters; and other references.

Roman Catholic Bishops of Toronto and Carrhae. Mr. Prince, from the Select Committee to which was referred the Petition of the Right Reverend Michael Power, Roman Catholic Bishop of Toronto, and of the Right Reverend Patrick Phelan, Bishop of Carrhae, with power to report by Bill or otherwise, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee have carefully examined and weighed the contents of the said Petition, and they are of opinion, and therefore recommend, that the prayer of it should be granted, and that a Bill should be introduced and passed for that purpose.

Districts and Counties in Upper Canada. The Honourable Mr. Solicitor General Sherwood, from the Select Committee to which was referred the Bill for better defining the limits of the counties and districts in Upper Canada, for erecting certain new townships, for detaching townships from some counties and attaching them to others, and for other purposes relative to the division of Upper Canada into townships, counties, and districts, and other references, reported that the Committee had gone through the Bill, and had made several amendments thereto; which amendments were again read at the Clerk's table.

Ordered, That the said Bill and Report be committed to a Committee of the whole House, on Tuesday next.

Petition of C. Richardson and others. Mr. Dickson, from the Select Committee to which was referred the Petition of Charles Richardson and others, inhabitants of the town and

district of Niagara, with power to report by Bill or otherwise, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee have examined the contents of the said Petition, agreeably to the order of reference, and have agreed to recommend, for the favourable consideration of your Honourable House, a Bill, the provisions of which are to carry into effect the prayer of the Petitioners.

Petition of J. S. Macpherson and others, of Crane Island.

Mr. Prince, from the Select Committee to which was referred the Petition of John S. M'Pherson and others, inhabitants of Crane Island, and of the parishes of St. Thomas, Cap St. Ignace, and other places; and the Petition of E. L. Hayden and other inhabitants of Sorel and Yamaska; with an instruction to the said Committee; and with power to report by Bill or otherwise, presented to the House the Report of the said Committee, which was again read at the Clerk's table, as followeth:--

Your Committee are of opinion that the Petitioners' prayer ought to be acceded to, and that a Bill should be passed in accordance with such prayer.

Contingencies.

Mr. Roblin, from the Standing Committee on Contingencies, presented to the House the Second Report of the said Committee, which was again read at the Clerk's table, as followeth:--

Your Committee have examined the Account Current of the Clerk of your Honourable House, comprising receipts and expenditure from the time of the audits of last Session, on the 28th September, 1843, to the 16th December, 1844. The Account embraces the amount of Warrants from His Excellency, the Governor General, agreeably to the Address of your Honourable House, of the 20th October and the 2d December, 1843, for the sum of £17755 14s. 7d.; also deposits on thirteen private Bills of twenty pounds each, making a sum of £260, which, with the Warrants, amount to £18015 14s. 7d., against which, with the balance of £501 11s. 11½d. in favour of the Clerk at the last audit, there are vouchers which have been laid before your Committee for an expenditure of £16551 11s. 11 ¾d., leaving a balance in the hands of the Clerk, and in favour of your Honourable House, of the sum of £1464 2s. 7½d.

(196)

Railroad, Pro-
vince Line.

Mr. Brooks, from the Special Committee to which was referred so much of the Petition of Hollis Smith and others, inhabitants of the counties of Sherbrooke and Stanstead, and other places, as prays for a Charter being granted to a Company to establish a Railroad from the Province Line to the city of Montreal; and the Petition of the Honourable Baron

Grant de Longueuil and others, inhabitants of the counties of St. Hyacinthe, Richelieu, and Chambly, with power to report by Bill or otherwise, presented to the House the Report of the said Committee, which was again read at the Clerk's table, as followeth:--

Your Committee are of opinion that the contemplated Railroad would materially tend to the prosperity of the Province, and would command advantages giving fair prospect of a remunerating return, and they therefore recommend that the prayer of the Petition be complied with, and a charter granted to a Company to construct a Railroad from the River St. Lawrence, near to the city of Montreal, to the Province Line, at such point in the township of Stanstead, as to the said Company may seem expedient, with provision for a branch being established communicating with the said Railroad from the city of Quebec.

Civil and Political Rights.

Mr. Powell, from the Select Committee to which was referred the Bill to revive and continue for a limited time, part of the fourth clause of an Act passed in the fourth and fifth years of the Reign of Her Majesty, Queen Victoria, intituled, "An Act to secure to and confer upon certain inhabitants of this Province, the civil and political rights of natural-born British subjects;" with an instruction to the said Committee, and other references, reported that the Committee had gone through the Bill, and had made several amendments thereto; which amendments were again read at the Clerk's table.

Ordered, That the said Bill and Report be committed to a Committee of the whole House, on Wednesday next.

Petition of A. Irvine and others.

Mr. Smith, of Wentworth, from the Select Committee to which was referred the Petition of Adam Irvine and others, of the village and township of Ancaster, in the district of Gore, with power to report, by Bill or otherwise, presented to the House the Report of the said Committee, which was again read at the Clerk's table, as followeth:--

Your Committee have read the Petition referred to them, praying for the removal of a certain Toll Gate in the vicinity of Ancaster, and have to remark that though the ground of complaint may be a reasonable one, they forbear to recommend any interference on the part of your Honourable House, as this work, in common with other macadamized roads, is about shortly to be placed by Government under the controul of the Board of Works, by whom any complaint of this nature might be more properly investigated and redressed.

Administration of Justice in Gaspé.

Mr. Christie, from the Select Committee to which was referred the Bill, supplementary to an Act of the last Session of the Legislature, relating to the administration of Justice in the

Gaspé District, and to extend the provisions of the said Act, reported that the Committee had gone through the Bill, and had made several amendments were again read at the Clerk's table.

Seat vacated.

Lawrence Lawrason, Esquire, rose in his place and informed Mr. Speaker and the House, that it was his intention to vacate his seat as a Member of this House, for the town of London, and in consequence of the provisions of the Act of the 7 Victoria, cap. 65, he now vacated his seat accordingly.¹

Hear, hear, allons! allons! and ironical cheers from the opposition.²

MR. GOWAN gave notice of his intention to move a humble address to Her Majesty, praying that she will be graciously pleased to recommend to the Imperial Parliament, the repeal of that clause of the Union Act which gives permission to members of the Legislative Council to resign their seats, and to be elected as representatives of the people in the House of Assembly. The hon. gentleman said, that he was induced to make this motion, by the notice which the hon. member for London had just given of his intention to resign. He thought that it concerned, the independence of that House that the present law should be altered.³

Les cris de: Ecoutez, écoutez, se sont renouvelés.⁴

(196)

Leave of absence.

Ordered, That Mr. LeBoutillier have leave to absent himself from this House, during the remainder of the present session, on urgent business.

Salmon Fisheries in Gaspé.

Ordered, That Mr. LeBoutillier have leave to bring in a Bill to enable the local authorities in the district of Gaspé to provide Bye-laws, Rules, and Regulations, for the preservation of the Salmon and other fisheries therein, and for certain other local and municipal purposes therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday, the third day of February next.

Medical Col-
lege, Montreal.

Ordered, That Mr. Scott have leave to bring in a Bill to incorporate the Montreal College of Medicine and Surgery.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Wednesday, the twenty-ninth instant.

Broken Lot,
(O.)

Ordered, That one hundred and fifty copies of the Message of His Excellency, the Governor

General, (on the subject of broken lot, letter O, in Nepean,) presented to the House on the fourteenth instant be printed in each of the English and French languages, for the use of the Members of this House.

On motion of the Honourable Mr. Solicitor General Sherwood, seconded by the Honourable Mr. Aylwin,

Commission
Middlesex
Election.

Ordered, That the order of this House, of the twenty-first instant, for appointing a Commission to take evidence on the matter of the contested election for the county of Middlesex, be discharged.

Resolved, That this House do nominate and appoint, under the hand and seal of Mr. Speaker, three Commissioners for the purpose of examining the witnesses of the parties in the matter of the controverted election for the county of Middlesex, and that William H. Horton, of the town of London, Esquire, George S. Tiffany, of the town of Hamilton, Esquire, and Thomas D. Warren, of the village of Saint Thomas, Esquire, be such Commissioners; who shall be authorized and empowered to hold their sittings at the village of Saint Thomas, and at the town of London. The first sitting to be held at Saint Thomas aforesaid, on Saturday, the twenty-second day of February next, with the said William H. Horton, Esquire, as Chairman of the said Commission.

Niagara Plank
Road.

Ordered, That Mr. Dickson have leave to bring in a Bill to incorporate certain persons, as the Niagara and Ten Mile Creek Plank Road

Company, for the purpose of constructing a plank road from a certain place in Niagara, to the Ten Mile Creek in Grantham.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Thursday next.

Railroad, Pro-
vince Line.

Ordered, That Mr. Brooks have leave to bring in a Bill to incorporate a Company to construct a Railroad from the river St. Lawrence, near

Montreal, to the Province Line, in the township of Stanstead.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Monday, the tenth day of February next.

(197)

Niagara Incor-
poration.

Ordered, That Mr. Dickson have leave to bring in a Bill to incorporate the town of Niagara, and to establish a Police therein.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Friday next.

Roman Catho-
lic Bishops'
Incorporation.

Ordered, That Mr. Prince have leave to bring in a Bill to incorporate the Roman Catholic Bishops of Toronto and Kingston, in Canada in each diocese.

He accordingly presented the said Bill to the House, and the same was received and read for the first time and ordered to be read a second time, on Thursday, the thirtieth instant.

North Riding
Lincoln Elec-
tion.

Ordered, That this House do adjourn from half-past six until half-past seven o'clock, this evening, to give time to the Select Committee, appointed to try the merits of the Petition of Samuel Wood and others, electors of the North Riding of the county of Lincoln, district of Niagara, complaining of the undue election and return of William Hamilton Merritt, Esquire, as a Member to represent the said North Riding of the county of Lincoln, in this present Parliament, to meet for the purpose of adjournment.

Ordered, That Mr. Prince have leave to bring in a Bill to protect wild fowl, and to prevent them from being destroyed at improper seasons of the year.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Thursday, the thirtieth instant.

Ordered, That Mr. Boutillier have leave to absent himself from this House for ten days, from this date, on urgent business.

Ordered, That the Bill to set apart certain parts of the townships of Loughborough, Pittsburg, and Kingston, in the Midland District, and form the same into a new township, be read a second time, on Thursday next.

Ordered, That the Bill to regulate the fees of certain district officers in the part of this Province, called Upper Canada, be read a second time on Wednesday next.

On motion of Mr. Taché, seconded by Mr. Bertrand,

Crown Timber.

Resolved, That an humble Address be presented to His Excellency, the Governor General, to pray that His Excellency will be pleased to direct the proper officer to lay before this House, a statement, in tabular form, of all licenses

issued during the last two years, for cutting timber on the waste lands of the Crown, in the counties of Bonaventure, Gaspé, Rimouski, Kamouraska, L'Islet, Bellechasse, and Saguenay; exhibiting the quantities of timber actually made in each of the said counties, and exported therefrom.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House, as are of the Honourable the Executive Council of this Province.

MR. AYLWIN⁵ moved that the Address of the House, of the 20th December, be presented by the whole House, when it should please His Excellency to receive it. Mr. Aylwin explained that this Address accompanied one to Her Majesty, praying that no duty should be levied upon Colonial-built ships; and that he had not made the motion earlier from the supposition that there would have been another Address to be presented to His Excellency, and the two might have gone together.⁶

(197)

Colonial-built Shipping.

Resolved, That the Address of this House of the 20th ultimo, to Her Majesty, in relation to Colonial-built shipping, and also the Address

to His Excellency, the Governor General, of the same date, praying that he will be pleased to transmit the said Address to Her Majesty, to be laid at the foot of the Throne, be presented to His Excellency, by the whole House.

Ordered, That such Members of this House as are of the Honourable the Executive Council of this Province, do wait upon His Excellency, the Governor General, to know His Excellency's pleasure when he will be attended by this House with its Addresses.

Norfolk Election.

Ordered, That the Select Committee, appointed to try the merits of the Petition of David Duncombe, Esquire, late a candidate for the

county of Norfolk, and others his supporters, complaining of the undue election and return of Israel Wood Powell, Esquire, as a Member to represent the said county of Norfolk in this present Parliament, have leave to adjourn until Saturday, the fifteenth day of March next.

Chambly Cotton Manufacturing.

Ordered, That the Bill to incorporate the Chambly Cotton Manufacturing Company, be read a second time on Wednesday next.

Humber Harbour Company.

Ordered, That the Bill to incorporate certain persons under the name and style of the President, Directors, and Company, of the

Humber Harbour and Road Company, be read a second time on Thursday next.

The Honourable Mr. Daly, one of Her Majesty's Executive Council,

delivered to Mr. Speaker, two Messages from His Excellency, the Governor General, signed by His Excellency.

And the said Messages were read by Mr. Speaker, all the Members of the House being uncovered, and are as followeth:--

C. T. METCALFE.

Claims Chambly Canal.

The Governor General transmit a Return of certain claims brought against the late Commission of the Chambly Canal, amounting to £763 9s.

1d., which have been allowed by the Commissioners, and which he recommends to the favourable consideration of the House.

GOVERNMENT HOUSE,
Montreal, 24th January, 1845.

(COPY.)

BOARD OF WORKS,
20th November, 1844.

SIR,

I have the honour to enclose you a Return of the claims, brought against the late Commissioners of the Chambly Canal, stating those which were allowed, disallowed and disputed by the Commissioners.

There is likewise the claim of Messrs. Andres, who were the original Contractors for the works, in the year 1833. This claim was submitted to arbitration and a award made in their favour, for the sum of £16,616 17s. 6d., which being objected to by the Commissioners, was taken into the Court of Queen's Bench, and confirmed by that tribunal, and therefore, the Board presume it is intended to include the amount with the other "allowed claims."

I have, &c.

(Signed)

THOMAS A. BEGLEY,
Secretary,

The Honourable
DOMINICK DALY,
Provincial Secretary.

(198)

Claims, Chambly
Canal.A STATEMENT of outstanding Claims, shewing
those allowed and disallowed by the Commissioners
of the Chambly Canal:--

ALLOWED CLAIMS.		£	s.	d.
Awarded for drowned lands taken for the <u>Chambly Canal</u> .	1 Adam Armstrong	20	16	0
	2 Joseph Coustemaruche	21	15	0
	3 Joseph Bissette	13	0	0
	4 Joseph Malhiot	8	0	9
	5 Louis Duprées	3	16	9
	6 Reine Paquin	18	6	0
	7 Toussaint Minard	5	0	0
	8 Marcille Lamoureux	43	8	0
	9 Joseph Benoit	20	0	0
	10 Antoine Duprées	6	4	9
	11 Joseph Pattemande	17	12	9
	12 François Bissette	20	6	9
	13 François Duprées Montpellier	50	0	0
	14 Louis Papineau	27	16	0
	15 Michel Benoit	5	0	0
	16 Charles Benoit	1	0	0
	17 L. D. Montpellier	1	0	0
	18 Isadore Charland	8	10	0
	19 F. Vaughen	15	0	0
	20 John M'Cutcheon	6	10	0
Erection of Line Overflow of Canal Bank. Fence.	21 John Glin	10	0	0
	22 John Robinson	17	10	0
	23 Joseph Harris	11	0	0
	24 Francis Dubuc	1	0	0
	25 David Beauvais	3	0	0
	26 George Ingleden	8	10	0
	27 Paul Kanutz, Arbitrator	1	0	0
	28 ---- Ward, do	0	10	0
	29 Joseph Beauvais	1	0	0
	30 Lewis Boucher	7	10	0
	31 Jean Baptiste Gabourseault	7	10	0
	32 Jacques Arnault	7	10	0
	33 Joseph Arnault	7	10	0
	34 Charles D. Day, as per account	31	3	10
	35 James M'Hugo	5	0	0
	36 Messrs. Lauder & Co.	300	0	0
	37 Charles Atherton	30	12	6
		£763	9	1

DISALLOWED CLAIMS.

1	Messrs. Lauder & Co.	682	8	11
2	William Ryan	134	15	0
3	James M'Hugo	6	0	0

(Copy.)

C. T. METCALFE.

King's College.

The Governor General transmits, for the information of the Legislative Assembly, in reply to their Address of the 21st instant, copies of the correspondence on the subject of King's College University, that has taken place between Her Majesty's Secretary of State and the Governor General.

GOVERNMENT HOUSE,
Montreal, 24th January, 1845.

SCHEDULE OF DESPATCHES accompanying the Governor General's Message
of the 24th January, 1845:--

SIR C. METCALFE TO LORD
STANLEY, No. 162, 26th De-
cember, 1843.

{ Requesting opinion of Law Officers
in England, on the question whether the
Bishop of Toronto or the Judges in
Upper Canada are Visitors of King's
College University.

LORD STANLEY TO SIR C.
METCALFE, No. 162, 3d
February, 1844.

{ Judges of Queen's Bench are Visitors
of King's College, with opinion of Law
Officers.

SIR C. METCALFE TO LORD
STANLEY, No. 89, 13th
May 1844.

{ Requesting that a Professor of
Mathematics and Natural Philosophy
may be appointed from Home.

Ditto, No. 103, 8th
June, 1844.

{ Requesting with reference to the
above, that the matter be for the present
suspended.

LORD STANLEY TO SIR C.
METCALFE, No. 240, 1st
July, 1844.

{ Acknowledges Receipt of Nos. 89
and 103.

(Copy.)

No. 162

GOVERNMENT HOUSE,
Kingston, 26th December, 1843.

MY LORD,

Circumstances connected with a plan for the extension of the benefits of King's College University, render it desirable that the opinion of the Law Officers of the Crown in England should be obtained on the question propounded in the enclosed memorandum as to who is legally the visitor of the College, or who are the visitors, the question being between the Bishop of Toronto, and the Judges of Upper Canada.

The Judges, I am told, on a reference heretofore made to them, decided that they were, by law, the Visitors, and I am not aware that the Bishop is disposed to dispute this decision; but it is of public importance that the point should be ascertained, as greater facility or difficulty in accomplishing the purpose desired, may depend on the solution of this question.

I therefore trouble your Lordship with the enclosure, to be referred or not to Her Majesty's Law Officers, as you may be pleased to determine.

I have, &c.

(Signed) C. T. METCALFE.

The Right Honourable LORD STANLEY,
&c. &c. &c.

(Copy.)

No. 162.

DOWNING STREET,
3rd February, 1844.

SIR,

Having, in pursuance of the request contained in your Despatch of the 26th December, No. 162, submitted to the Law Officers of the Crown, the question whether the Judges of the Court of Queen's Bench in Upper Canada are legally the Visitors of King's College, or whether that office devolves upon the Bishop of Toronto, I have received from the Law Officers a report, stating, that in their opinion, the Judges are the Visitors of the College, and not the Bishop of Toronto.

I enclose for your information a copy of that opinion.

I have, &c.,

(Signed)

STANLEY.

The Right Honourable

Sir C. METCALFE, Bart., G. C. B.

&c. &c. &c.

(Copy.)

TEMPLE, 1st February, 1844.

MY LORD,

We had the honour to receive a letter from James Stephens, Esquire, on the 22nd ultimo, wherein he stated, that by direction of your Lordship, he transmitted to us the accompanying copies, first of the Charter of King's College, Upper Canada; secondly, a Statute of Upper Canada, 7th William IV., cap. 16; and thirdly, of a case which has been transmitted to your Lordship by the Governor of Canada, in a Despatch of the 26th of December last; and fourthly, a copy of that Despatch.

Mr. Stephens further stated that your Lordship desired that we would report to you our opinion on the question of Law adverted to in Sir Charles Metcalfe's Despatch of the 26th December, and in the accompanying case.

In humble obedience to your Lordship's commands, we have read the various documents transmitted to us, and have fully considered the question submitted to us, and beg leave to report to your Lordship, that in our opinion, the Judges are the Visitors of the said College, and not the Bishop of Toronto.

We are, &c.

(Signed)

FREDERICK POLLOCK.

W. W. FOLLETT.

Right Honourable Lord STANLEY,

&c. &c. &c.

(199)

(Copy.)

No. 89.

GOVERNMENT HOUSE,
Kingston, 13th May, 1844.

MY LORD,

A Professor of Mathematics and Natural Philosophy being required for the University of King's College at Toronto, I beg leave to recommend that one may be selected and sent out from the United Kingdom.

I submit a memorandum relating to the duties, vacations, and emoluments of the office, for the information of such gentlemen as may be disposed to undertake it.

It is necessary that the gentleman who may be appointed, should be at Toronto, ready to commence his duties on the first Thursday in October, when the Michaelmas Term begins.

Caeteris paribus, it is very desirable that the gentleman selected should be of the Church of Scotland or Presbyterian, for there is a great clamour against the University, especially on the part of the Presbyterians, on account of the almost exclusive possession of the University Offices by Church of England-men.

The object in selecting a member of the Church of Scotland, would, in some degree, be attained, by the nomination of any one not of the Church of England, but a Church of Scotland man is the most desirable, because the Presbyterians form a numerous and influential body in the country, and are, more than any others, not only dissatisfied with the present arrangements in the University, for the reason above noted, but also bent in having a share in the management of the Institution and the advantages thereunto attached. It appears to me to be very advisable that their expectations should be gratified; as any confirmed exclusiveness in the Institution will mar its utility and produce extensive discontent.

I need hardly allude to the other qualifications which the Professor ought to possess. A thorough knowledge of the subjects on which he is to lecture, is, of course, indispensable. And it is important that he should also have the reputation of knowing them, of which the attainment of high University honours would be a signification. It is essential that he should have been in the habit of teaching or delivering lectures either as a private or public Tutor, or as a Professor; and a gentleman who has facility in communicating knowledge would be more valuable than one of higher attainments who could not readily explain and illustrate his subject. He ought not to be eccentric in his habits or manners, and especially not irritable in temper.

I have, &c.

(Signed,)

C. T. METCALFE.

The Right Honourable
Lord STANLEY,
&c. &c. &c.

(Copy.)

No. 103

GOVERNMENT HOUSE,
Kingston, 8th June, 1844.

MY LORD,

If no steps requiring completion should have been taken under your Lordship's orders, in consequence of my recent application for the selection of a Member of the Church of Scotland to be a Professor in King's College University at Toronto, I would beg leave to request that, for the present, that matter may be suspended, as there is a prospect of my being able to fill the Chair about to be vacated, not only in the manner proposed in my application, but also with additional benefit to the public interests.

I have, &c.

(Signed,) C. T. METCALFE.

Right Honourable
Lord STANLEY,
&c. &c. &c.

(Copy.)

No. 249

DOWNING STREET,
1st July, 1844.

SIR,

I have received your Despatches, Nos. 89 and 103, of the 13th of May and 8th June, on the subject of the appointment of a member of the Church of Scotland to the Professorship of Mathematics and Natural Philosophy in the University of King's College at Toronto. In compliance with the request contained in the first of those Despatches, I was on the point of applying to the Heads of the respective Universities in Scotland to recommend for my selection competent persons to fill that situation, when I received your second Despatch, stating the probability that you may be able to find within the Province a fit person for the office.

I shall in consequence take no further steps in the matter until I hear again from you.

I have, &c.

(Signed,)

STANLEY.

The Right Honourable

Sir C. METCALFE, Bart., G. C. B.

&c. &c. &c.

Orders of the
Day.

*On motion of Mr. Prince, seconded by the Hon-
ourable Mr. Baldwin,*

Ordered, *That the Orders of the Day, lost by the adjournment of the
House yesterday, be revived, and that the said Orders be postponed
until Monday next, and that they be then the first Orders of the
Day.*

Pursuant to Order, the House adjourned until this hour.

7:30 O'CLOCK P. M.

Still-Duty Bill.

*The Order of the Day for the second reading of
the Bill to impose a duty on distillers and brewers,
and on spirituous and fermented liquors made by them, and to provide for
the collection of the said duties, being read,⁷*

MR. INSPECTOR GENERAL ROBINSON moved the second reading of the bill to tax brewers and distillers. The hon. gentleman explained that his intention was to refer the bill to a select committee of the House,⁸ composed of the Attorney General, Messrs. Hale, Moffatt, Merritt, DeWitt, and himself⁹, in order that some of the details might be amended.¹⁰

MR. BALDWIN asked whether it was not the intention of the Hon. Gentleman to explain the principle of his bill before calling on the House to affirm it by agreeing to the second reading.¹¹

The Hon. Inspector General ((MR. ROBINSON)) stated in explanation, that¹² his objection in making this motion, was to procure a little more information on those Bills, as he had so recently become a member of the Provincial Cabinet, and although prepared to explain them clause by clause immediately if that were required he would wish to procure information from those most competent to give it, before entering into a discussion. If his motion was contrary to precedent, he would give way, but he believed precedents could be adduced in its favor.¹³

MR. HENRY SMITH ... insisted that the principle of the bill, was simply that there should be a tax on distillers.¹⁴ ((He)) could not say he was in favor of the details of the Bill ..., and would like to see it referred to a Select Committee in order to come at the views of

those most interested in this matter.¹⁵ He considered that the second reading was merely to get the assent of the House to the principle of imposing duties, without pledging them to its details, and he saw no objection to the course. He wished, however, to know when it was the intention of the Government to introduce their measure to afford protection to the agricultural interest of the Province, respecting which a great number of petitions were before the House.¹⁶

The Hon. Inspector General ((MR. ROBINSON)) stated ... in reply to the question put by the hon. member for Frontenac ... that the Customs' Bill would be introduced on Tuesday next¹⁷. ((He)) was prepared to explain the details of the Bill if required. (No No.) As to the principle of it, he was willing to tax Brewers and Distillers, but especially the latter, for the sake of revenue. Something of the kind was necessary, as since the duty on Whiskey has been lowered, the diminution in the Custom House receipts for Rum alone amounts to £10,000. - Every post brought letters to the Government respecting this Bill, and he would wish to investigate it more closely. He found it impossible to do so before, from the short time he had been in office, although he had not been idle, but he could not, of course, be expected to be quite so familiar with the details of the duties of his office, as a short time would, he trusted, render him.¹⁸

MR. GOWAN approved of this motion, which certainly did the Ministry great credit¹⁹ ((and)) would give an opportunity for all parties interested to express their views on the bill.²⁰ With reference to the details of the Bill, he withheld his opinion till it came fairly before the House, for he could not concur in them at present.²¹

MR. BALDWIN said, that he was disposed to give the hon. Inspector General credit for every activity and did not find fault that he could not do impossibilities.²² The Inspector General ... had but recently taken office and had been necessarily absent²³. But he did complain that the house should be asked to affirm the principle of a bill which had not been explained to them.²⁴ ((Mr. Baldwin said)) there was a great contradiction in Mr. Robinson's acts. He said as much as that he did not approve of the principle of the Bill.²⁵

((MR. ROBINSON replied:)) "The details, not the principle."²⁶

((MR. BALDWIN:)) And yet by this motion, it appeared that he did.²⁷ He did not consider that the principle of the measure was in affirming the tax, for that tax existed already,²⁸ and had been exacted for some time. The question was--how was it to be raised--whether by a duty per gallon on the liquor manufactured or by a tax on the contents of the still. The late Ministry had, he said, adopted the former principle and the present one the latter.²⁹

Here MR. ATTORNEY GENERAL ((J.)) SMITH rose to explain ... the principle of the bill. He said that it was proposed to place a duty on the contents of the Still which is the mode now in operation, but that to prevent fraud or evasion, the District Inspector was to be allowed to select any of the vessels used in the manufacture and to place on it the tax fixed by law. Thus if any attempt was made to reduce the size of the still the duty might be put on the mash tub. This Mr. Smith explained was an improvement on the bill of the late ministry which we clearly understood him to say contemplated a duty on the contents of the still. He also repeatedly stated ... that this was the principle of the bill, and that it was to be found in the 10th clause³⁰.

So did MR. SHERWOOD³¹.

((MR. BALDWIN)) complained that³² the English practice is, to withdraw any measure disapproved of by the Ministry, and introduce another, but³³ the course proposed ... went to relieve the ministry of all responsibility³⁴, and to shelter them ... under the protection of a select committee³⁵. It would also prevent the public from hearing explanations, which would according to this plan, be made before the select committee³⁶, where they are always passed with too little care³⁷. He considered that the proper plan was, if the details of the measure were considered fairly, it should be withdrawn, and another one introduced.³⁸ With regard to the Bill itself, there was one point which he would like to hear discussed by practical men. The proposition now is to tax the capacity of the still; last session it was to tax the quantity produced, and he wanted to hear persons well acquainted with such matters discussing them before he could make up his mind.³⁹

The Attorney General ((MR. J. SMITH)), in reply to the last remark, said that the only difference between the bill of last session and the present one was, that instead of taxing the capacity of the still, it was left at the option of the District Inspector to tax the utensils used, if he thought proper.⁴⁰ That clause ... was absolutely necessary. For if the tax were laid on the still, an immediate change would take place in that utensil, and the law would be evaded; but as long as that power were placed in the hands of the Inspector, he could lay it on the still or the mash tub, or any utensil in the place.⁴¹ The whole of the principle of the measure was contained in the 10th clause. The object of the government was to tax quantity, and the method laid down in this bill was considered the best method of arriving at that.⁴² OR It was intended to levy the tax on the quantity produced, but after some consideration it was found that the cost of so doing would be twice as much as the revenue -⁴³ Different principles must be applied to the distilleries in Montreal and to distilleries in certain parts of Upper

Canada, and altho' ministers would adhere to their principle in most cases they would probably modify it with regard to some parts of the country.⁴⁴

MR. MERRITT was an advocate for taxing Bank Capital, instead of Issues, and on the same principle the quantity of spirits made in a distillery, and not the distillery itself.⁴⁵

MR. BALDWIN ((made)) some remarks ..., the same in substance as those he made previously.⁴⁶

The Attorney General ((MR. JAMES SMITH)) said, that in England the ministry are aided in drawing up Bills similar to that under discussion, by practical men, who had the experience of years to guide them, and, so far, the Cabinet is saved from all trouble in regulating the details, but the ministry here is on a very different footing, and cannot have the same assistance in framing their measures. The principle of the Bill, which is merely that a necessity existed for such taxation, is admitted on all sides, and when the report of the committee is laid before the House, the details can be fully as well discussed as now.⁴⁷

MR. SOLICITOR GENERAL ((H.)) SHERWOOD said, the principle of the bill was identical with that pursued in England, but in order to avoid the cumbersome system of Excise, the method laid down in this bill was proposed to ascertain the quantity. To do this more effectually the officer had the option of levying the duty upon the still or the auxiliary vessels, so as to leave no door open for evasion of the Revenue. The principle of referring bills of this kind to select committees was not an objectionable one, neither was it new. It had been adopted by the late Ministry, with the Judicature and other bills; it was a course pursued in England, and he thought a correct one. If the committee reported unfavourably, it was at the option of Ministers to withdraw the bill, or to carry it on as they thought fit. Were the bill discussed in committee of the whole, it might give hon. gentlemen an opportunity of making a speech, but that would be of no advantage to the public; or it might afford the opposition an opportunity to find fault.⁴⁸

MR. MOFFATT ... argue((d)) that the principle of the bill was laying on a duty, and that all the provisions were mere matters of detail. He ... acknowledge((d)) that the Attorney General had admitted the very reverse. However, such was his opinion⁴⁹.

MR. JOHNSTON was opposed to the bill; it would entail upon the country, the curse of an excise, which would cost more than the revenue collected by it.⁵⁰

MR. DUGGAN approved of the reference of the bill to a select committee; he approved of the principle of taxing spirits and beer, but he would give no opinion of the manner in which this could be best affected (sic); but he

thought the subject would be best considered by a committee chosen by the House.⁵¹

DR. DUNLOP thought such bills could be best considered by select committees; he objected to referring them to committees selected by the house, such committees were party committees, and nine tenths of the members of them knew nothing of the subject they were appointed to enquire into. Most of the hon. gentlemen were acquainted with whisky-- (Laughter)--but very few knew how it was made.⁵²

Speaker ((SIR ALLAN MACNAB)).--The question will be--⁵³

DR. DUNLOP.--Don't hurry other men's cattle. He would ask hon. gentlemen, how much whisky could be made from a bushel of wheat?⁵⁴

MR. HALL.--Sixteen quarts.⁵⁵

DR. DUNLOP.--And how much from a bushel of malt?⁵⁶

MR. HALL.--Twelve quarts.⁵⁷

DR. DUNLOP.--The hon. gentleman has more knowledge than I gave him credit for, and I shall vote for putting him on the committee. But different qualities of wheat and malt give different results, and I should not like to have his sixteen quarts whisky in my horn--(Laughter). The hon. gentleman opposite (Mr. Baldwin) is always talking of washing his hands of the acts of the present ministry, I would advise him to get a large piece of soap, and the sooner he washes his hands not only of their acts, but of those of his late colleagues, the better for him and the better for his friends--(Cheers and laughter.) On the whole he was no great advocate for the bill, he believed it had been predicated by the Hyena, that is Mr. Hincks, upon the advice of the District Inspector of Montreal, which was a poor recommendation. He looked upon the introduction of the excise system as the very worst thing for the country which could be done. He thought the intention of this bill was to legislate too much for the big distilleries at the expense of the utter ruin of the small ones.⁵⁸

(199)

The said Bill was accordingly read, and referred to a Select Committee, composed of the Honourable Mr. Robinson, the Honourable Mr. Attorney General Smith, the Honourable Mr. Moffatt, Mr. Merritt, Mr. Leslie, Mr. Hale, and Mr. DeWitt, to report thereon with all convenient speed; with power to send for persons, papers, and records.

On motion of the Honourable Mr. Solicitor General Sherwood, seconded by the Honourable Mr. Aylwin.

Middlesex
Election.

Ordered, That the Petitioner complaining of the
undue election and return of Edward Ermatinger,

Esquire, for the county of Middlesex, and the Sitting Member, do exchange, on or before the hour of four o'clock, P.M., on Tuesday, the eighteenth day of February next, lists of the voters objected to, giving the several heads of objection, and distinguishing the same against the names of the voters excepted to by them respectively; such lists to be delivered to the parties or their agents at the office of Edward Ermatinger, Esquire, in the village of St. Thomas, in the said county.

Provincial
Customs.

The Order of the Day for the House in Committee on the Bill to repeal the Acts, Ordinances, and provisions of Law therein mentioned, relative to

(200)

the management and regulation of the Provincial Customs, and to duties of Customs, and other duties imposed by Provincial Laws; and to the licensing of tavern keepers and venders of spirituous and other liquors, auctioneers, distillers, hawkers and pedlars, and keepers of billiard tables, being read,

Ordered, that the said Order of the Day be discharged, and that the said Bill be referred to the Select Committee to which was referred the Bill to impose a duty on distillers and brewers, and on spirituous and fermented liquors made by them, and to provide for the collection of the said duties.

The Order of the Day for the House in Committee on the Bill to provide for the management of the Customs, and of matters relative to the collection of the Provincial Revenue, being read,

Ordered, That the said Order of the Day be discharged, and that the said Bill be referred to the Select Committee to which was referred the Bill to impose a duty on distillers and brewers, and on spirituous and fermented liquors made by them, and to provide for the collection of the said duties.

Still-Duty Bill.

The Order of the Day for the House in Committee on the Bill to impose a duty on persons selling spirituous or fermented liquors, or keeping houses or places of public entertainment, and to provide for the collection of the said duty, and for the regulation of such persons being read,

Ordered, That the said Order of the Day be discharged, and that the said Bill be referred to the Select Committee to which was referred the Bill to impose a duty on distillers and brewers, and on spirituous and fermented liquors made by them, and to provide for the collection of the said duties.

Hawkers and
Pedlars.

The Order of the Day for the House in Committee on the Bill to impose duties on hawkers and petty chapmen, and on persons keeping billiard tables for profit, and to provide for the collection of the said duties, being read,

Ordered, That the said Order of the Day be discharged, and that the said Bill be referred to the Select Committee to which was referred the Bill to impose a duty on distillers and brewers, and on spirituous and fermented liquors made by them, and to provide for the collection of the said duties.

Auctioneers. The Order of the Day for the House in Committee on the Bill to impose a duty on auctioneers, and on goods sold by auction, and to provide for the collection thereof, being read,

Ordered, That the said Order of the Day be discharged; and that the said Bill be referred to the Select Committee to which was referred the Bill to impose a duty on distillers and brewers, and on spirituous and fermented liquors made by them, and to provide for the collection of the said duties.

Duty on Bank Notes. The Order of the Day for the House in Committee on the Bill for granting a duty on Bank notes issued and in circulation in this Province, being read,⁵⁹

MR. THOMPSON made some remarks upon the one for imposing a duty upon Bank notes, but he spoke so confusedly that we could not ascertain whether he was in favour of taxing capital or issue.⁶⁰

(200)

Ordered, That the said Order of the Day be discharged, and that the said Bill be referred to the Select Committee to which was referred the Bill to impose a duty on distillers and brewers and on spirituous and fermented liquors made by them, and to provide for the collection of the said duties.

Destitute Mariners. The Order of the Day for the second reading of the Bill, for the relief of shipwrecked and destitute Mariners, in certain cases therein mentioned, being read,

The said Bill was accordingly read, and ordered to be engrossed.

Geological Survey. The Order of the Day for the House in Committee to consider the expediency of granting a further sum of money towards completing the Geological Survey, and ascertaining the mineral resources of this Province, being read,

The House accordingly resolved itself into the said Committee.

Mr. Boulton took the chair of the Committee,

A resolution was moved, but what the sum was could not be heard from the confusion in the house at the time.⁶¹

(200)

and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Boulton reported that the Committee had come to a resolution which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received on Monday next.

French
Language.

The Order of the Day for taking into consideration a motion made on the twentieth of December last, viz:--

"That an humble Address be presented to Her Majesty, renewing the expression of the faithful attachment of this House to Her Majesty's person and Government; setting forth, that sensible of the advantages we enjoy from Her Majesty's care and protection, and which this House trusts may long be continued to us, under Her Majesty's parental sway, it is at all times the duty of this House to submit, for Her Majesty's most gracious consideration, such matters as may have a tendency, with any class of Her Majesty's subjects, to diminish that contentment, which this House is well assured Her Majesty desires should exist in every portion of her dominions.

Representing, that the French is the native language of a very large class of Her Majesty's subjects in this Province; of this class the great mass indeed speak no other language. In it the largest portion of their laws and the books on their system of jurisprudence are written; their daily intercourse with each other is conducted; it is the language in which alone they can invoke the blessings of Heaven on themselves and all that is dear to them. A language indispensable to so many of Her Majesty's faithful people, cannot, they will believe, be viewed by their Sovereign, as foreign, when used by them.

Stating, that Her Majesty's Royal Predecessors placed the languages spoken by the two great classes of Her Majesty's subjects in this Province, on the same footing; affording in this respect, equal justice and equal facility to all.

Pointing out, that this principle was never departed from until the Act re-uniting these Provinces was passed; that this House do not question that the best intentions and designs influenced the minds of those who enacted the provision which declared:--

"That all writs, proclamations, instruments for summoning and calling together the Legislative Council and Legislative Assembly of the Province of Canada, and for proroguing and dissolving the same, and all writs of Summons and Election, and all writs and public instruments whatever relating to the said Legislative Council and Legislative Assembly, or either of them, and all returns to such writs and instruments, and all journals and entries, and written or printed proceedings of what nature

(201)

soever of the said Legislative Council and Legislative Assembly, and of each of them respectively, and all written or printed proceedings and reports of Committees of the said Legislative Council and Legislative Assembly, respectively, shall be in the English language only."

Stating, that in the very first Session of the Legislature, under that Act, it was indispensable to translate into French every public record and document. That the debates were not and could not, unless a portion of the Representatives of the people were silenced, be carried on without its use; that in Courts and judicial proceedings it was found equally necessary as before the Union, and for every other practical purpose, it is as much used as it ever has been.

Urging, that the only distinction which exists then, is, that the French is not permitted to be the legal language of Parliamentary records; a distinction of little value perhaps in itself,--one which cannot produce any beneficial result on the feelings or habits of the people using it, while it gives rise to a feeling among them injurious to the peace and tranquility of the Province, namely, that this limited proscription of their language conveys, however undesignedly, an imputation of unfavourable distinction towards themselves.

Representing, that desirous that the hearts of all men in this Province may be joined in unity, in their attachment to and support of Her Majesty's person and Government, this House humbly petition Her Majesty to endeavour to remove this cause of discontent, and to recommend to Her Imperial Parliament the repeal of that portion of the law which has given rise to it; assuring Her Majesty that such a course will be hailed, by Her Majesty's loyal Canadian people, as an additional mark of her solicitude for their welfare.

Ordered, That the said Order of the Day be postponed until Friday next.

Registration.

The Order of the Day for the second reading of the Bill, still further to facilitate the Registration of Titles to Real Property or Incumbrances thereon, in Lower Canada, being read,

The said Bill was accordingly read and referred to a Select Committee, composed of Mr. Christie, the Honourable Mr. LaFontaine, Mr. Drummond,

Mr. Taché, and Mr. Colville, to report thereon with all convenient speed; with power to send for persons, papers, and records.

On motion of Mr. Duggan, seconded by Mr. Prince,

West Halton
Election.

Ordered, That the time fixed for the delivery of lists of objected votes, with the nature of the objections thereto, between the parties on the contested election for the West Riding of the county of Halton, fixed by Order of this House, for the first Monday of February next, be extended; and that the said lists be mutually delivered at the places, hour, and in the manner, and by and to the persons named in the said order, upon the eighth day of February next, instead of upon the said first Monday in February; and that notice thereof be sent to the Petitioner and to the Sitting Member.

On motion of Mr. Boulton, seconded by Mr. Christie,

Middlesex
Election.

Ordered, That the Clerk of the Crown in Chancery be directed to transmit to the Commissioners appointed to take evidence in the contested election for the county of Middlesex, the original Poll Books, and all other documents connected with the said election.

Then, on motion of Mr. Duggan, seconded by Mr. Macdonald, of Cornwall,

The House adjourned until Monday next.

APPENDIX, 24 JANUARY 1845.

((QUESTION, ANSWER AND NOTICE RE: CONSTRUCTION OF WHARVES ON ST. LAWRENCE.))

M. TACHE, suivant qu'il en avait donné avis, a demandé aux membres de l'administration s'ils avaient intention d'améliorer la navigation du fleuve Saint-Laurent en construisant des quais et autres ouvrages dans les ports d'en bas de Québec.⁶²

Le ministère ((M. ROBINSON)) a répondu qu'il ne pouvait pas répondre définitivement lorsqu'il ne savait ni où devraient se faire ces ouvrages, ni comment ils devraient se faire; que cependant il était disposé de recommander à la chambre tout ouvrage de cette nature qui tend à améliorer la position naturelle du pays.⁶³

M. TACHE a exprimé son intention de communiquer ses idées au secrétaire civil.⁶⁴

Au secrétaire provincial qui n'est pas civil, a dit une voix ... de la gauche.⁶⁵

((QUESTION AND ANSWER RE: CONSTRUCTION OF BOSTON-QUEBEC RAILROAD.))

M. CHAUVEAU, à son tour, suivant avis, a interrogé le ministère pour lui demander s'il avait intention de recommander la construction d'un chemin de fer entre Boston et Québec.⁶⁶

Le ministère a montré le même bon vouloir que dans le cas précédent, mais comme de raison il a demandé des données pour pouvoir baser son jugement et répondre définitivement.⁶⁷

FOOTNOTES - 24 January 1845.

1. The debate on this matter was reported by: MONTREAL GAZETTE, 28 January 1845, BRITISH COLONIST, 4 February 1845, and ST. CATHARINES JOURNAL, 6 February 1845, in accounts which are identical except that of the ST. CATHARINES JOURNAL is somewhat shorter; MONTREAL TRANSCRIPT, 24 January 1845, copied by KINGSTON NEWS, 30 January 1845; LE JOURNAL DE QUEBEC, 28 January 1845; and BRITISH WHIG, 31 January 1845.
2. MONTREAL GAZETTE, 28 January 1845.
3. BRITISH WHIG, 31 January 1845. This notice is inserted immediately after Lawrason's announcement because all the above sources clearly specify that it took place at this point.
4. LE JOURNAL DE QUEBEC, 28 January 1845.
5. The debate on this matter was reported by: MONTREAL GAZETTE, 28 January 1845, and BRITISH COLONIST, 4 February 1845, in identical accounts.
6. MONTREAL GAZETTE, 28 January 1845.
7. The debate on this bill was reported by: MONTREAL GAZETTE, 28 January 1845, MONTREAL TRANSCRIPT, 25 January 1845, copied by BRITISH WHIG, 31 January 1845, and KINGSTON NEWS, 30 January 1845, and BRITISH COLONIST, 4 February 1845, in identical accounts; PILOT, 27 January 1845; and ST. CATHARINES JOURNAL, 6 February 1845. Because the GAZETTE is often quite difficult to read, the COLONIST is used wherever a selection is taken from their identical reports. BRITISH WHIG, 24 January 1845, contained a commentary on the debate.
8. BRITISH COLONIST, 4 February 1845.
9. BRITISH WHIG, 31 January 1845.
10. BRITISH COLONIST, 4 February 1845.
11. PILOT, 27 January 1845.
12. BRITISH COLONIST, 4 February 1845.
13. BRITISH WHIG, 31 January 1845.
14. PILOT, 27 January 1845.
15. BRITISH WHIG, 31 January 1845.
16. BRITISH COLONIST, 4 February 1845.
17. IBID.
18. BRITISH WHIG, 31 January 1845.
19. IBID.
20. BRITISH COLONIST, 4 February 1845.
21. BRITISH WHIG, 31 January 1845.
22. BRITISH COLONIST, 4 February 1845.
23. PILOT, 27 January 1845.
24. BRITISH COLONIST, 4 February 1845.
25. BRITISH WHIG, 31 January 1845.
26. IBID.
27. IBID.
28. BRITISH COLONIST, 4 February 1845.
29. PILOT, 27 January 1845.
30. IBID. The PILOT cites the 10th clause as follows: "X. And be it enacted, That there shall be raised, levied, collected and paid yearly

and every year, (but subject to the deduction herein mentioned, in case of non-working for any part of such year) unto Her Majesty, Her Heirs and successors, a duty of 6s. per gallon, Imperial measure, on the entire capacity of each Still used within this Province, and a duty of per gallon, like measure, on the entire capacity of each charger or other auxiliary vessel used with any such Still, and in which the beer or wash shall be heated, - or, (at the option of the District Inspector as hereinafter mentioned) a duty of per gallon, like measure, on the entire capacity of each mash-tub used by any party for the purpose of preparing beer or wash for any Still, - or (at the option of the District Inspector as hereinafter mentioned) a duty of if no molasses or sugar be used, and of if any molasses or sugar be used on the entire capacity of each fermenting-tun used by such party, for the purpose of fermenting the beer or wash: Provided always, that whenever any such duty shall be payable by any party for the first time after the granting of his then last Licence, or after any such notice aforesaid of a change in the capacity of any vessel or in the mode of working, the District Inspector shall declare his option as to the vessels on which he intends to take the duty payable by such party, and shall abide by such option so long as the same License shall remain in force, and the same capacities of the several vessels used and the same mode of working shall be continued by such party; but on any new License or on any such change as aforesaid, the District Inspector shall make his option anew."

31. PILOT, 27 January 1845.
32. BRITISH COLONIST, 4 February 1845.
33. BRITISH WHIG, 31 January 1845.
34. BRITISH COLONIST, 4 February 1845.
35. PILOT, 27 January 1845.
36. BRITISH COLONIST, 4 February 1845.
37. BRITISH WHIG, 31 January 1845.
38. BRITISH COLONIST, 4 February 1845.
39. BRITISH WHIG, 31 January 1845.
40. BRITISH COLONIST, 4 February 1845.
41. BRITISH WHIG, 31 January 1845.
42. BRITISH COLONIST, 4 February 1845.
43. BRITISH WHIG, 31 January 1845.
44. PILOT, 27 January 1845.
45. BRITISH COLONIST, 4 February 1845.
46. BRITISH WHIG, 31 January 1845.
47. IBID.
48. BRITISH COLONIST, 4 February 1845.
49. PILOT, 27 January 1845.
50. BRITISH COLONIST, 4 February 1845.
51. IBID.
52. IBID.
53. IBID.
54. IBID.
55. IBID.

56. IBID.
57. IBID.
58. IBID.
59. This remark was reported in: MONTREAL GAZETTE, 28 January 1845, and BRITISH COLONIST, 4 February 1845, in identical accounts. The GAZETTE is quite difficult to read, and so the COLONIST is used instead.
60. BRITISH COLONIST, 4 February 1845.
61. IBID. BRITISH WHIG, 31 January 1845, contains an identical report.
62. LE JOURNAL DE QUEBEC, 28 January 1845.
63. IBID.
64. IBID.
65. IBID.
66. IBID.
67. IBID.

MONDAY, 27 JANUARY 1845.

(201)

Member for
Saguenay.

THE Honourable Marc Paschal DeSales Laterrière,
Member for the county of Saguenay, having previously
taken the oath, according to Law, and subscribed
before the Commissioners the roll containing the same, took his seat in
the House.

Bank State-
ments.

The Speaker laid before the House statements
of the affairs of the Canadian Branches of the
Bank of British North America.

Also,

General statement of the affairs of the Bank of Upper Canada, received
in conformity to an Order of the House, of the tenth instant.

(For the said Statements, see Appendix Q.)

And also,

Agricultural
Societies.

Reports of the Agricultural Society for the
county of Two Mountains, for 1841, 1842, and 1844;
of the county of Drummond, for 1843 and 1844; and
for the county of Chambly, for 1844.

(For the said Reports see Appendix V.)

Petitions
brought up.

The following Petitions were severally brought
up, and laid on the table:--

By Mr. DeWitt, the Petition of Amable Archambeault and others, of
L'Assomption and other parishes, in the county of Leinster.

By Mr. Chalmers, the Petition of Jonathan Adamson and others, of
Nelson and other townships, in the districts of Gore and Wellington.

By Mr. Brooks, the Petition of Alexander Rea, of the township of
Compton.

By the Honourable Mr. Baldwin, the Petition of Simon Frayr and others,
of Sophiasburgh.

By Mr. Powell, the Petition of Aaron Slaght and others, inhabitants
of Townsend, in the district of Talbot.

By the Honourable Mr. Aylwin, the Petition of Jeffery Hale, Esquire,

and others, officers and members of the Quebec British and Canadian School Society.

By the Honourable Mr. Moffatt, the Petition of the Church Society of the diocese of Quebec.

By Mr. Meyers, the Petition of Thomas Eyre and others, of the town of Cobourg, in the district of Newcastle.

By Mr. Prince, the Petition of W. A. Dixie and others, of the township of Malden, in the Western district; the Petition of John Dawson and others, of the township of Romney, in the Western district; and the Petition of Prideaux Girty and others, of the township of Gosfield, in the Western district.

By Mr. Macdonald, of Cornwall, the Petition of Daniel Daly, of the town of Cornwall, in the Eastern district.

(202)

By Mr. Dunlop, the Petition of Joseph Varin and others, students of medicine, in the city of Montreal.

North Riding
Lincoln Elec-
tion.

Mr. Lantier, chairman of the Select Committee appointed to try the merits of the Petition of Samuel Wood and others, electors of the North Riding of the county of Lincoln, district of Niagara, complaining of the undue election and return of William Hamilton Merritt, Esquire, as a Member to represent the said North Riding of the county of Lincoln in the present Parliament, presented to the House the final Report of the said Committee, which was again read at the Clerk's table, as followeth:--

Resolved, That William Hamilton Merritt, Esquire, is duly elected as a Member to serve in this present Parliament, for the North Riding of the county of Lincoln.

Resolved, That neither the Petition of Samuel Wood and others, nor the opposition to it, appear to this Committee to be frivolous or vexatious.

Destitute
Mariners.

An engrossed Bill for the relief of shipwrecked and destitute Mariners, in certain cases therein mentioned, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Attorney General Smith do carry the said

Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the Day, the following Petitions were read:--

Of Adam Handyside, of the city of Montreal, distiller, praying that a Select Committee be appointed to obtain information relative to the subject matter of several clauses of the Bill now before the House, to impose a duty on distillers and brewers.

Of the Reverend William Bettridge, B.D., and others, members of the United Church of England and Ireland, in the rectory of Woodstock, in the district of Brock; of the Reverend S. J. Hill and others, members of the United Church of England and Ireland, in the town of Perth and its vicinity, in the diocese of Toronto; of James Creage and others, members of the United Church of England and Ireland, in Tecumseth and West Gwillimbury, and parts adjacent; and of the Reverend S. B. Ardagh, M.A., and others, members of the United Church of England and Ireland, in the town of Barrie, in the diocese of Toronto, praying that the said Church of England, in the said diocese, may have the controul over her share of the Clergy Reserve Lands.

Of the Reverend William Bettridge, B.D., and others, members of the United Church of England and Ireland, in the rectory of Woodstock, in the district of Brock, praying for the repeal of the Common School Act, and for certain alterations in the present system of schools.

Of David Caldwell and others, of the township of Esquesing, in the Gore district, praying that the Clergy Reserve Lands may not be assigned as petitioned for, but that they may be sold according to the provisions of the Imperial Statute, 3rd and 4th Victoria, cap. 78.

Of Daniel A. Wilson and others, of the parish of St. Ignace du Côtéau du Lac, praying that the Ordinance and Acts, preventing the use of certain carriages on winter roads, be repealed.

Of L. Blais and others, of the parishes of St. Thomas, St. Pierre, and Cap St. Ignace, praying an aid to improve the road between the said parish of St. Thomas, and the river St. Johns.

Of John Felton and others, of Sherbrooke and Lennoxville, praying that no action may be taken relative to the charters of King's College and McGill College, which shall not comprehend all other chartered institutions of learning in the Province.

Of C. L. Bellows and others, of M'Nab and other townships, praying

for an aid to improve the line of mail route between Castleford and Westmeath.

Of Ruggles Wright and others, inhabitants on the Ottawa river, interested in the production of lumber, praying that no alteration be made in the Act 7 Victoria, cap. 25, in so far as relates to the office of Supervisor, and the independence of the cullers.

Of John Whiteford and others, of Three Rivers, praying that the said town be incorporated, and the Common thereof vested in the corporation.

Of William Baker and others, trustees of Dunham Academy, praying for an aid in support of the said institution.

Of John Lyon and others, occupiers of Clergy Reserve Lots, in the township of Esquesing, in the county of Halton, praying that their rights may be protected in any Legislative measures, adopted in relation to the Clergy Reserve Lands.

Of Thomas Hayes and others, of Essa, and other townships, praying for an aid to improve the main road leading to the town of Barrie.

Of Noah Halloday and others, of the ninth concession of the township of North Crosby, in the district of Johnstown, praying that the tenth concession line of the said township may be surveyed and run according to the posts and marks set up in the front and back lines of the original survey of the said township.

Of William R. Doak and others, of the township of Compton, in the district of St. Francis, praying that no action may be taken relative to the charters of King's College, and McGill College, which shall not comprehend all other chartered Institutions of Learning of the Province.

Of John Curtain and others, cullers of Quebec, praying that no alteration may be made in the Act 7 Victoria, chapter 25, in so far as relates to the office of Supervisor, and the independence of the cullers.

Of J. B. Lewis and others, of Richmond and its vicinity, in the district of Dalhousie, praying for the construction of a plank road from Kingston to Bytown.

Petitions
referred.

D. Caldwell
and others.

Ordered, That the Petition of David Caldwell and others, of the township of Esquesing, in the Gore district, be referred to the Select Committee, to which was referred the Petition of the Church Society, of the diocese of Toronto, and other references.

R. Wright
and others.

Ordered, That the Petition of Ruggles Wright and others, inhabitants on the Ottawa river, interested in the production of Lumber, be referred to the Select Committee, to which was referred the Petition of John P. Waterson and others, licensed deal cullers of the city of Quebec, and other references.

A. Handyside
and others.

Ordered, That the Petition of Adam Handyside, of the city of Montreal, distiller, be referred to the Select Committee, to which was referred the Bill to impose a duty on distillers and brewers, and on spirituous and fermented liquors made by them, and to provide for the collection of the said duties, and other references.

(203)

Lord Bishop
of Toronto,
and others.

Resolved, That the Petition of the Right Reverend the Lord Bishop of Toronto, and others, members of the United Church of England and Ireland, in the city and vicinity of Toronto, (relating to schools), be referred to a Select Committee, composed of Mr. Boulton, the Honourable Mr. Solicitor General Sherwood, Mr. Duggan, Mr. Prince, and Mr. Macdonald, of Cornwall, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Cayuga Glass
Company.

Mr. Thompson, from the Select Committee, to which was referred the Petition of Richard Brown and others, inhabitants of Cayuga, with power to report by Bill or otherwise, presented to the House a Bill to revive an Act passed in the Parliament of the late Province of Upper Canada, to incorporate certain persons therein named, and their associates, under the style and title of "The Cayuga Glass Manufacturing Company," which was received and read for the first time, and ordered to be read a second time, on Monday next.

Sherbrooke
and St. Francis.

Mr. Hale, from the Select Committee, to which was referred the Bill to extend to the town of Sherbrooke the provisions of a certain Ordinance therein mentioned, relating to the appointment of peace officers and constables; and also to explain the jurisdiction of the General Sessions of the Peace, for the district of St. Francis, reported that the Committee had gone through the Bill without making any amendment thereto; and the Report was again read at the Clerk's table.

Ordered, That the said Bill be committed to a Committee of the whole House to-morrow.

Library.

Mr. Dunlop, from the Standing Committee,

appointed to assist Mr. Speaker in the direction of the Library, to which shall be referred to all matters relative thereto, presented to the House the first Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee, in the performance of the duties assigned to them by your Honourable House, have carefully examined the Library with a view to ascertain its present condition, and the necessity for making additions thereto.

Your Committee have ascertained that no special order for the purchase of Books has been made by your Honourable House, since the Union of the Provinces, and that in the Houses of Assembly of Lower and Upper Canada, prior to that time, many years had elapsed without any such order being made.

It appears, that in the Lower Canada Legislature a resolution was adopted by the Assembly, on the 13th of April, 1807, ordering the purchase of a list of books then reported to the House, and authorizing the Clerk to import annually for the future, the continuation of the periodical works contained in the Library. No subsequent order for the purchase of Books, appears upon the Journals of that House; but your Committee are informed, that by a general understanding among the Members of the Assembly, the Clerk was empowered to expend annually for the purpose a sum not exceeding £300. This amount therefore seems occasionally to have been expended in that way, though generally it would appear, that for years in succession but little addition to the Library took place beyond the annual importation of Periodicals.

In the Upper Province, still less attention was bestowed on this subject, for until the year 1836, the Library merely consisted of a few hundred volumes on various subjects, many of them incomplete. In that year, however, an Act was passed, authorizing the expenditure of £1000 for the purchase of Books, which was very judiciously expended, and the foundation commenced of a useful and valuable Library. But from thence to the Union of the Provinces, no further appropriation was made. The Upper Canada Library, it may be observed, was attached conjointly to both Houses of the Provincial Legislature, while that in the other Province was the sole property of the Assembly; it accordingly became necessary, when the Provinces were united, to divide the books contained, between the Legislative Council and your Honourable House. This division was effected, and the result communicated to your Honourable House, in 1842. Since then, no distinct appropriation for the purchase of books has been made; though a few have been added yearly, as appears from the lists laid on the table by the Clerk, at the commencement of each session.

Your Committee therefore feel justified in recommending that additions be made to the various classes of literature now in the Library, to supply

to a certain extent, the existing deficiencies therein. They accordingly subjoin a list of Books marked A, which they recommend should be procured without delay, under the direction of the Honourable the Speaker.

Your Committee also recommend the purchase of a set of Maps, of recent date, which has been offered for sale to them by Mr. Glackemeyer, as those at present in the Library are old, and comparatively useless.

(A.)

1.--Continuation of the Periodical Works already in the Library.

2.--The following Books to re-place missing Volumes:--

96th Volume Journal House of Commons.

2d Volume Cleveland on Mineralogy.

1st Volume on Vegetable Substances. (Library of Entertaining Knowledge.)

19th Volume Law Magazine.

10th and 12th Volumes Imperial Statutes.

67th and 68th Volumes Journals House of Lords. (Never received.)

8th Volume Statutes of Irish Parliament. (Never received.)

12th and 13th Volumes Swift's Works.

Wilcocks on Municipal Corporations.

3.--Books recommended to be procured for the Library.

Smith's *Wealth of Nations*, by M'Culloch. *Modus tenendi Parliamentaria in Hibernia*.

Tables of the Revenue, Commerce, Population, &c. of the United Kingdom and its Dependencies.

Haydn's *Dictionary of Dates and Universal Reference*.

Barron and Austin's *Election Reports*, 1842-43.

Crabb's *Digest and Index to the Statutes*, 2 Parts, 1841-43.

Harrison's *Digest of Reports*, 3 Volumes, 1843.

Stephen's *New Commentaries on the Laws of England*, 4 Volumes, 1841-5.

Bohn's *Catalogue of Books for 1841*.

Smith's *Parliaments of England*, 1844.

West's *Inquiry into Mode of Creating Peers*, 1782.

Carew's *Rights of Election*, 1755.

Burgh on the *Errors and Defects in Government*, 3 Volumes, 1774.

Twiss's *Life of Lord Eldon*, 3 Volumes, 1844.

Correspondence of Edmund Burke, 4 Volumes, 1844.

Harris' *Highlands of Ethiopia*, 3 Volumes, 1844.

Drummond's *Noble British Families*, 1844-45.

Burke's *Armoury of Great Britain and Ireland*, 1842.

Dowling on the *Legal Rights of British Subjects in Foreign Countries, and of Foreigners in Britain*, 1841.

Hallam's Introduction to the Literature of Europe, 4 Volumes, 1839.
Marshall's Digest of British Statistics.
Bramwell's Table of Private Statutes, 2 Volumes, 1834.
Precedents of Private Acts, 1835.
Rickman's Speeches of Mr. Speaker Abbot.
Hooly's History of English Councils and Convocations.
Stanley's Life of Dr. Arnold, 2 Volumes, 1844.
Austin's Province of Jurisprudence Defined, 1832.
Butt on County Contested Elections.
Gordon's Digest of American Laws.
Gordon's History of Parliament, 2 Volumes, 1731.
Lye and Manning's Saxon Dictionary, 2 Volumes.
Nicolas' Synopsis of English Peerage, 2 Volumes.

(204)

Fleta, with *Selden's Dissertation*.
Townsend's Historical Collection, 1687.
Wight's History of Parliament of Scotland, 2 Volumes, 1806.
Phillip's Election Cases, 1782.
Brande's Dictionary of Science, Literature, and Art, 1842.
M'Culloch's Geographical, Historical, and Statistical Dictionary,
 1841-3.
Ure's Dictionary of Arts, Manufactures, and Mines, 1844.
Clifford's Election Cases, 1802.
Bridall's Privileges of the Lords, 1704.
Merewether & Stephen's History of Boroughs and Corporations, 3 Volumes, 1835.
Kyd on the Law of Corporations, 2 Volumes, 1796.
Angell & Ames on Corporations, 1843.
Willis' Noticia Parliamentaria, 3 Volumes, 1730.
Modern Report, 5th edition, 12 Volumes.
Bell on Scottish Election Laws.
Hands on Election Petitions, 1812.
Memoirs de Napoleon, écrits sous sa dictée, par les Généraux qui ont partagé sa Captivité, 9 Tomes.
Débats de la Convention Nationale, 5 Tomes.
OEuvres choisies du Cardinal Maury, 5 Tomes.
Grand Dictionnaire Français, Anglais et Français, par Fleming et Tibbins.
Dupin's Works.
Professor Liebeg's Works.
M'Crie's Works.
Princep's India.
Statistical Account of Scotland.
Brougham's Work on the French Revolution.
Thiers' History of the Consulate and Empire.
Woodrow's History of the Church of Scotland.
Beck's Medical Jurisprudence.

Administration
of Justice,
Gaspé.

Resolved, That this House doth now concur in the amendments made by the Select Committee, to which was referred the Bill supplementary to an Act of the last Session of the Legislature, relating to the administration of Justice in the Gaspé district, and to extend the provisions of the said Act.

Ordered, That the said Bill, as amended, be engrossed.

Agriculture,
Lower Canada.

Resolved, That a Special Committee be appointed to inquire into the cause of the present state of the Agricultural interest in many parts of Lower Canada, and to report whether in their opinion any Legislative enactment can be brought to its relief, without prejudice to the general interests of the Province; with power to send for persons, papers, and records.

Ordered, That Mr. Watts, Mr. Taché, Mr. Dunlop, Mr. Colville, the Honourable Mr. Laterrière, Mr. M'Connell, and Mr. Roblin, do compose the said Committee.

The Honourable Mr. Morin, from the Standing Committee on private Bills, presented to this House the sixth Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Private Bills.

Your Committee have considered the Petition of Eden Colville, Esquire, praying for the passing of an Act to empower the North American Colonial Association of Ireland, to employ and invest a portion of their capital in loans on real securities within this Province; and they conceive the granting of this power would prove beneficial to a great extent, but at the same time, precaution should be taken to prevent the Company from speculating in landed property, which, however, the Company declare it is not their intention to do: Your Committee, therefore on the whole, see no objection to the introduction of a Bill, the details of which may be considered hereafter by Your Honourable House.

As respects the Petition of the Home District Mutual Insurance Company, praying that its Members may be permitted to give evidence in any suit by the Company, in which they may not be personally interested. Your Committee cannot find any precedent granting this power to Members of any similar Corporation, and as it is altogether repugnant to the Common Law of the Province, they cannot recommend that it be allowed in this instance.

The Petition of the Rev'd. John Cordner and others, of Montreal, Christian Unitarians, praying that the rights and privileges enjoyed by other religious bodies may be extended to them; has also been considered by Your Committee, and they beg to recommend that the prayer of

the Petition be granted; and that the Rule of Your Honourable House, under which the time for receiving Private Bills has expired, be extended so far as respects the matter of this Petition, and that of Mr. Colvile, reported on above.

*District of
Huron, Rates.*

The Order of the Day for the House in Committee on the Bill, to provide for the recovery of the rates or taxes, intended to be imposed by certain by-laws of the district Council of the district of Huron, being read,

The House accordingly resolved itself into the said Committee.

Mr. Cauchon took the chair of the Committee,¹

DR. DUNLOP explained the nature of the Bill ... ; it was to recover from the Canada Company a tax of one penny per acre upon wild lands, which had been imposed by the Huron District Council; the Canada Company refused to pay this assessment, on the ground that the proceedings of the Council were informal.²

MR. BOULTON opposed the tax; in the first place the Council had neglected to comply with the formalities which the law required - it had neglected to ascertain the amount of Assessment required, and proportion it previous to the levy. The Council had since repealed the Act which imposed the tax, and now asked for a retrospective law to collect it. The land upon which the tax was levied belonging to the Canada Company, was differently situated to that in others parts of the country, upon which it had not objected to pay these taxes; it lay in a huge block through which no roads were required, and which yielded no profit. Although it had been said that the value of these lands was much increased, yet the country had benefited more by the capital of the Company, and the sturdy labourers it had introduced; and he did not think that because the Company had originally got a good bargain, that it was not to be denied justice in the matter. If the House passed this law, it would be called upon, from all quarters, to legalize the unlawful acts of District Councils.³

DR. DUNLOP replied at considerable length, but the facts and arguments he adduced did not differ from those the hon. gentleman made use of upon previous occasions on which the Bill was debated.⁴

MR. PETRIE opposed the Bill, upon the ground gone over by Mr. Boulton. The petition for this Bill was signed by Dr. Dunlop, the Warden of the Council, but by none of the members, and therefore could not be considered as the prayer of the Council.⁵

DR. DUNLOP explained that he signed the petition as witness to the

Council Seal, which none other could witness.⁶

MR. JOHNSTON spoke in favor of the Bill; the poor settlers had not objected to pay their quota of the tax, and he did not see why this rich Canada Company should not pay its proportion also.⁷

MR. DUGGAN supported the Bill, as a just and necessary act to prevent the Canada Company evading the payment of a tax, which the settlers had paid, merely on the plea of a clerical error, committed through ignorance or inadvertence.⁸

MR. ((G.)) MACDONELL, (Dundas), would support the Bill because the people of the Huron District sought thereby to tax themselves; the majority having decided to do so, no minority or corporation ought to stand out against it, particularly when the measure being one for the public good, would benefit the Canada Company in a greater degree than individuals. He contended if even the Act sought for were an ex post facto law, it was competent to that House to pass it. He gave the Canada Company every credit for their exertions and enterprise, but in the present case he could only treat it as an individual.⁹

MR. SOLICITOR-GENERAL ((H.)) SHERWOOD differed with the hon. gentleman as to the power of the House to pass an ex post facto law; such had indeed been made in time of serious troubles, to meet great exigencies. He had looked over this Act, and considering that there was a reasonable doubt of its being ex post facto law, and feeling moreover anxious to support the measure, he had come down to the House with the intention of voting for the Bill. But he had since heard other statements which put a different colour upon the measure. He had learned that the first By-Law passed by the Council had been repealed by the Council, and the second one was disallowed by the Governor and Council. If this was the fact, he should oppose the Bill.¹⁰

DR. DUNLOP in explanation said, that the Canada Company having refused to pay their quota of the Assessment made the first year, upon the second the Council would not levy any taxes. But the Magistrates ordered them to be collected upon the lists of the former year, and it was then that the Council repealed the By-Law, but the taxes were collected in every case but that of the Canada Company. The Council then applied to the Governor to allow them to pay back the whole of the taxes collected to those who had paid, but this was disallowed, and that was the only disallowance. Every individual in the District had paid the Assessment excepting the Canada Company.¹¹

MR. MCCONNELL would support the Bill, because the part of the country he came from had also been troubled by large blocks of wild lands lying waste, and becoming valuable at the expense of the farmer; and because he had been an actor in a scene similar to that which had taken place in

the Huron District, for the Eastern Townships were also troubled with a monstrous Land Company. The inhabitants had been compelled at their own expense to make roads through these lands, and for years had no relief, for some owners were beyond and others above their reach. At length, the Municipal Ordinance was passed, and a tax was imposed upon Wild Lands, but it was disallowed by the Executive Council on account of some informality in the mode of collection. Since that the Council had laboured to impose the tax, but in vain, and he was convinced that nothing would please the owners of wild lands but to allow them to pay no taxes at all.¹²

MR. ROBINSON opposed the Bill upon the same ground as that taken by the Solicitor General. He thought there was a good deal of prejudice against the Canada Company.¹³

MR. GOWAN supported the Bill; it was not a retrospective law, because the by-law which was repealed, was rescinded only so far as regarded the future. The amount of the assessment would be spent in the District, and the Canada Company would profit more thereby than the settlers, who were by their labour increasing the value of its waste lands.¹⁴

MR. MOFFATT said this was a simple question. Had the Council the power to levy taxes? If it had not, it ought to have. If it did possess those powers, had it complied with the requirements of the law which gave them to it? It appeared that it had not done so, and therefore he would vote against the Bill.¹⁵

MR. BROOKS would vote for the Bill because the whole of the inhabitants of the District had paid this tax.¹⁶

MR. ((D.A.)) MACDONELL, of Stormont, was in favour of the Bill.¹⁷

((MR. ROLLAND MACDONALD spoke in favour of the measure. He urged the point)) that if the bye law was originally illegal, repeal could have no effect whatever.¹⁸

((MR. LAWRASON also supported the Bill.))¹⁹

In opposition to the bill, the speakers were MESSRS. ... MEYERS, ROBINSON, DEBLEURY, DRUMMOND ... ((HENRY)) SMITH of Frontenac²⁰ ((and)) LAFONTAINE²¹.

MR. MEYERS moved that the Chairman leave the Chair, which was lost.²²

MR. MEYERS moved that the Bill be referred back to the Committee, which was also lost.²³

(204)

and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Cauchon reported that the Committee had gone through the Bill, and had made an amendment thereto, which amendment was again read at the Clerk's table, and agreed to by the House.

MR. MEYERS again moved that the bill should be referred back²⁴.

((There was)) some discussion²⁵.

((MR. MEYERS withdrew his motion.))²⁶

(205)

District of
Huron Rates.

Mr. Dunlop moved, seconded by Mr. Johnston,
that the said Bill, as amended, be engrossed.

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Bertrand, Cauchon, Chalmers, Chauveau, Christie, Colville, Cummings,
Daly, Desautier, DeWitt, Duggan, Dunlop, Foster, Gowan, Hale, Jobin,
Johnston, Lacoste, LaFontaine, Lantier, Laterrière, Laurin, Lawrason,
LeMoine, Leslie, Macdonald of CORNWALL, Macdonald of GLENGARRY, Macdon-
ell of DUNDAS, Macdonell of STORMONT, M'Connell, Méthot, Morin, Powell,
Price, Prince, Roblin, Rousseau, Scott, Seymour, Solicitor General Sher-
wood, Small, Smith of WENTWORTH, Stewart of BYTOWN, Stewart of PRESCOTT,
Taché, Taschereau, Thompson, Watts, Webster and Williams--(50.)

NAYS.

Boulton, DeBleury, Drummond, Ermatinger, Macdonald of KINGSTON,
Merritt, Meyers, Moffatt, Murney, Petrie, Robinson, and Smith of FRON-
TENAC--(12.)

So it was carried in the affirmative, and

Ordered accordingly.

Geological
Survey.

Mr. Boulton, from the Committee of the whole House, to consider the expediency of granting a further sum of money towards completing the geological survey, and ascertaining the mineral resources of this Province,

reported according to order, the resolution of the said Committee, which resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That it is expedient to make provision for continuing and completing the geological survey of this Province, and for collecting specimens relative to the geology and mineral resources thereof; and for that purpose to appropriate a sum not exceeding two thousand pounds in each year, for the five years now next ensuing.

Ordered, That the Honourable Mr. Attorney General Smith have leave to bring in a Bill to make provision for a geological survey of this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Friday next.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, delivered to Mr. Speaker, a Message from His Excellency, the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered, and is as follows:--

C. T. METCALFE.

The Governor General transmits for the information of the House of Assembly, the accompanying Copies of Reports, that have been received from Mr. W. E. Logan, who is employed on a Geological Survey of the Province.

GOVERNMENT HOUSE,
Montreal, 27th, January, 1845.

(For the Documents accompanying the said Message, see Appendix W.)

The Order of the Day for the second reading of the Bill to repeal so much of the Act therein mentioned, as prevents Clergymen from voting at elections of Members of the Legislative Assembly, being read,²⁷

MR. LAURIN, seconded by MR. TACHE, then moved, that the bill for amending the act for preserving the independence of Parliament be now read a second time.²⁸

MR. MOFFATT requested that the resolution of the committee of the whole House, upon which this bill was founded should be read.²⁹

This ... ((was)) done³⁰.

((MR. MOFFATT)) complained that the bill was not drawn up in accordance with that resolution; the resolution of the House went to restore the right of voting to all clergymen;³¹ but a clause inserted in this bill ((stated))³², "that no clergyman should be eligible to vote at elections who received a salary from the Provincial Government." He, therefore, thought the bill ought to be withdrawn, because he believed it due from one member of the House to another, to proceed with no measure except in accordance with the sense which the House had expressed on a previous occasion. In this case hon. members might have voted for the bill without being aware that any alteration had been made in it.³³

MR. LAURIN explained that he had found the same disqualification applying to other members of the community, and proposed to refer the Bill to a Committee of the whole House on Wednesday.³⁴

The Speaker ((SIR ALLAN MACNAB)) said, that as the Bill was not in conformity with the resolution of the House, it must be withdrawn, and the hon. member might introduce another in conformity with that resolution.³⁵

(205)

Notice was taken that the Bill contained matter not authorized by the resolution of the House of the fifteenth instant, under which leave was given to introduce the same.

Ordered, That the said Order of the Day be discharged.

Ordered, That Mr. Laurin have leave to withdraw the said Bill.

The hon. member ((MR. LAURIN)) withdrew his bill on the understanding that he will introduce another which will be in conformity with the resolution of the House.³⁶

(205)

Line fences.

The Order of the Day for the second reading of the Bill to repeal an Act therein mentioned, and to provide for the regulation of line fences and water courses, in Upper Canada, being read,

The said Bill was accordingly read and committed to a Committee of the whole House.

Mr. DeWitt took the chair of the Committee,

((There was)) some little conversation.³⁷

(205)

and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. DeWitt reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again, on Monday next.

Quebec
Library
Association.

The Order of the Day for the second reading of the Bill to incorporate certain persons, under the name of the members of the Quebec Library Association, being read,

The said Bill was accordingly read, and committed to a Committee of the whole House.

Mr. Sherwood, of Brockville, took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Sherwood, of Brockville, reported that the Committee had gone through the Bill without making any amendment thereto, and the Report was again read at the Clerk's table.

Ordered, That the said Bill be engrossed.

Insolvent
Debtors.

The Order of the Day for the House in Committee to consider the expediency of repealing certain parts of the first and second sections of an Act of the Legislature of Lower Canada, passed in the sixth year of the reign of His late Majesty King William IV., intituled, "An Act to afford relief during a limited time to Insolvent Debtors," being read,

The House accordingly resolved itself into the said Committee.

Mr. Christie took the chair of the Committee,³⁸

MR. DEBLEURY said, that when he had made his motion at first the subject had been fully discussed, and influential members on both sides of the House regretted that it did not provide for abolition of imprisonment for debt altogether.³⁹ His object in the introduction of the present bill, was to give to debtors the opportunity of going into any part of the province, where they may best obtain employment. He wished to give these persons an opportunity to earn sufficient--not only to obtain their

own living, but also to pay their creditors.⁴⁰ He had since seen a bill of this description for Upper Canada, which was in course of preparation by the Solicitor General; and when that bill was presented to the House he would endeavour to make its provisions applicable to Lower Canada also. In the mean time to meet the cases of those, that this bill would not meet for it was not retrospective in its character, he intended to introduce the measure he had himself prepared. He therefore moved--"That this House resolves, it is expedient to amend the laws of Lower Canada as relates to imprisonment for debt."⁴¹

The resolution was carried nem con.⁴²

(205)

and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Christie reported that the Committee had come to a resolution, which resolution, was again read at the Clerk's table and agreed to by the House, and is as followeth:--

Resolved, That it is expedient to repeal certain parts of the first and second sections of an Act of the Legislature of Lower Canada, passed in the sixth year of the reign of His late Majesty, King William IV., chapter 4, intituled, "An Act to afford relief during a limited time to Insolvent Debtors."

Ordered, That the Honourable Mr. DeBleury have leave to bring in a Bill to afford relief to Insolvent Debtors.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time, and ordered to be read a second time, on Monday, the third day of February next.

(206)

Conveyance of
Lands in Upper
Canada.

The Order of the Day for the House in Committee on the Bill to remove certain difficulties with regard to the conveyance of lands in Upper Canada, of which the grantor may not have possession, or of which a third party may be in adverse possession, being read,

The House accordingly resolved itself into the said Committee.

Mr. Williams took the chair of the Committee,⁴³

MR. DUGGAN thought that the bill went too far; he considered that a simple repeal of the statute would be sufficient.⁴⁴

MR. ((R.)) MACDONALD of Cornwall, spoke in favour of the repeal of the statute; he would support the bill if it confined itself to simply repealing the statute. That enactment had been declared useless by one of the Judges; and in England was a dead letter. It was one which had no beneficial effect in the present age, and might be turned to evil purposes. It gave the squatter an opportunity to defy the real owner of property to dispose of it, without laying himself under its pains and penalties, or putting him to the expense of an action for ejectment. The existence of this statute had injured the value of property in Upper Canada, in the same manner as the want of Registry Laws had depreciated the value of property in Lower Canada.⁴⁵

MR. BALDWIN said, that had the introducer of this bill confined himself to a mere repeal of the statute, there would not be so much objection to it. In the State of New York where the circumstances of landed property were very similar to those in this country, the penal part of this statute had been amended, and the offence of selling land not in possession was made a misdemeanour. He had in his own practice known the statute to have been brought to bear for the relief of parties, but had never known it to have been exercised for an evil purpose.⁴⁶

MR. DUGGAN moved, seconded by MR. BALDWIN, that the committee should rise.⁴⁷

MR. SOLICITOR GENERAL ((H.)) SHERWOOD was in favor of the repeal of this Statute, because he considered that it was useless, and should not remain upon the Statute Book of this country after it had not only become a dead letter in England, but had received the formal disapproval of the Judges. During the last any (sic) years there was not an instance of its having been enforced at home. It was a Statute made for peculiar times and had no application to the present day. The hon. member for the Fourth Riding of York had not correctly stated the circumstances of the Statute as existing in the State of New York. That Statute had been introduced quite soon after the declaration of Independence together with other English Laws relative to the tenure of land, but it was found so utterly inapplicable that it was repealed, and another law passed which made ((it)) a misdemeanor for an individual to sell land pending litigation upon his title thereto. He would be glad to see such an enactment here also; and he would advise the introducer of the Bill to refer it to a select Committee, to revise it, and he would himself be glad to act as one of the Committee.⁴⁸

((There was)) some further discussion.⁴⁹

(206)

and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Williams reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again on Monday next.

Ordered, That the said Order of the Day be discharged.

Resolved, That the said Bill be referred to a Select Committee, composed of Mr. Macdonell, of Dundas, the Honourable Mr. Solicitor General Sherwood, Mr. Macdonald, of Cornwall, Mr. Macdonald, of Kingston, and Mr. Macdonald, of Glengarry, to report thereon, with all convenient speed; with power to send for persons, papers, and records.

The reading of the names of the Committee was received with shouts of laughter.⁵⁰

(206)

Petition of
the Reverend
J. Paquin,
and others.

The Order of the Day for the House in Committee on the Report of the Select Committee to which was referred the Petition of the Reverend J. Paquin and others, of the parish of St. Eustache, being read,

The House accordingly resolved itself into the said Committee,

Mr. Macdonald, of Kingston, took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Macdonald, of Kingston, reported that the Committee had come to a resolution, which resolution was again read at the Clerk's table, and is as followeth:--

Resolved, As the opinion of this Committee, that it do concur in the Report of the Select Committee.

Mr. Scott moved, seconded by Mr. Macdonell, of Dundas, that this House doth concur with the Committee in the said resolution.⁵¹

MR. MOFFATT objected to any steps being taken in the matter, beyond receiving the report, until such time as the Government was prepared to take action upon the whole of the Rebellion losses. The concurrence of the House would be pledging it to do what was not competent in that House to do, without the concurrence of the Ministers.⁵²

MR. ATTORNEY GENERAL ((J.)) SMITH thought that the hon. gentleman should be satisfied with the reception of the report. In all probability,

at the commencement of the next session, Government would be prepared to go into the subject of the Rebellion Losses, when this would be considered with the rest. The concurrence of the House in the report could have no advantageous effect upon the petition now.⁵³ Any further action upon this petition should be dropped, until a general measure could be brought forward.⁵⁴

MR. DUNLOP was in favour of pressing the motion. There appeared to be a determination on the part of Ministers not to go into this question, and this feeling was shared by the gentlemen who formed the late Administration, and who, no doubt, expected to form a future Ministry, and were therefore fearful to pledge themselves to a measure which it might be their lot to be called upon to carry out. A grievous injustice had been done to the parties who suffered in the late rebellion, and it was high time that the character of the Legislature was relieved from the stain of having so long neglected them.⁵⁵

COL. PRINCE advocated the remuneration of all who had suffered loss, whether loyalists or otherwise: the Church of the people of St. Eustache had been burned by the troops, and the Government was bound to rebuild it. Although he had been abused by a rascalion print in Toronto for holding this opinion, he would vote in accordance with it.⁵⁶

MR. ((G.)) MACDONELL of Dundas hoped that the motion would be pressed; a committee had reported in favour of the prayer of the petition, and it was not carrying out the principles of responsible government for that house to refuse to act upon it merely because ministers were desirous of not going into the subject. The people were entitled to have their petitions considered, and it was a gross injustice to refuse it to them.⁵⁷

MR. MOFFATT said that unless the hon. member, Mr. Scott, withdrew his motion, he would move that the report be concurred in this day six months.⁵⁸

MR. GOWAN thought that after what had been said by the Attorney General, the petitioners should be satisfied until government was prepared to go into the whole subject. The concurrence of the house would be tantamount to a grant of £6,000, it would be the initiative of a money bill which by the Act of Union, it was out of the power of that house to make. It was not right that a preference should be given to this petition over other losses which deserved more consideration from the house. The loyalists who suffered from the destruction of their property by the brigands who invaded Canada during the troubles and even the widow to whom the mill at Prescott which was destroyed by the fire of the troops, belonged, had not been recompensed. The Attorney General had pledged himself to the favourable consideration of the report of the committee upon this petition when the whole subject should be considered, and with this the hon. member should rest satisfied.⁵⁹

MESSRS. ... MERRITT, and HALE, supported the view of the Attorney General, as they tho't it by no means fair that a small part of the province should have their damages repaired, while so many other places were left unpaid for similar losses⁶⁰.

MR. ATTORNEY GENERAL ((J.)) SMITH explained that the petition in question did not set forth any claim upon the government, nor ask for any specific grant; it merely stated the facts and prayed an aid in the re-building of the Church. The report of the committee recommended the prayer to the favourable consideration of the house, but no specified grant.⁶¹

MR. SCOTT said, that this case was a peculiar one; the inhabitants had been deprived of their place of worship, and asked the aid of that house to enable them to worship God in a decent manner. He would press the motion.⁶²

(206)

The Honourable Mr. Moffatt moved, in amendment, seconded by Mr. Williams, that all the words after "that," in the said motion be struck out, and the following substituted, "the consideration of the question be postponed."

MR. WILLIAMS thought the English practice should be conformed to on all occasions since the introduction of Responsible Government into this country.⁶³

MR. BALDWIN said, that there had been a great outcry against the administration of which he had been a member, because it had not taken up the subject of the rebellion losses; but he had no doubt that the present ministry had by this time discovered that the subject was surrounded by great difficulties, and it was no easy matter to legislate upon it. The present petition ought never to have been referred to a committee without the ministry intended to recommend action upon it to the house. He had warned them that if this course of receiving and referring petitions praying for money grants were persisted in, that it would ultimately lead to serious embarrassment, and this was the first instalment. The house was in a dilemma out of which he did not see how it could get.⁶⁴

MR. ATTORNEY GENERAL ((J.)) SMITH and MR. SOLICITOR GENERAL ((H.)) SHERWOOD, replied at some length, showing that in allowing the reference of this petition, Ministers had taken no new or unprecedented course, for in 1841 and 1842, the same petition had been referred in a like manner and reported upon. It was true that it was at variance (sic) with the practice of the parliament of England, but it was not easy to sweep away at once that which had been followed here, in the endeavour to assimilate the Parliamentary practice of this country to that of England.

In the English Parliament there was a standing order against action upon such prayers; and whenever they were presented the Speaker interfered. It would be well if both sides of the house would join in placing such a rule upon its journals, ... ((then)) all these discussions would be avoided⁶⁵. OR MR. ((J.)) SMITH urged the impossibility of getting rid of the present system, which was familiar to the people⁶⁶.

(206)

The question having been put upon the motion of amendment, a division ensued, and the names being called for, they were taken down, as followeth:--

YEAS.

Bertrand, Boulton, Chalmers, Chauveau, Christie, Cummings, DeBleury, DeWitt, Ermatinger, Foster, Gowan, Hale, Jessup, Laterrière, Lawrason, Macdonald of CORNWALL, Macdonald of KINGSTON, Macdonell, of STORMONT, M'Connell, Merritt, Meyers, Moffatt, Powell, Petrie, Robinson, Seymour, Sherwood of BROCKVILLE, Solicitor General Sherwood, Attorney General Smith, Stewart of BYTOWN, Taché, Thompson, Watts, Webster and Williams.
--(35.)

NAYS.

Baldwin, Berthelot, Cauchon, Dunlop, Guillet, Jobin, Lacoste, Lafontaine, Lantier, Laurin, Leslie, Macdonell of DUNDAS, Méthot, Morin, Prince, Rousseau, Scott, and Smith of WENTWORTH.--(18.)

So it was carried in the affirmative.

The question being then put on the main motion, as amended, it was agreed to by the House, and

Ordered, That the consideration of the said question be postponed.

Parish of
St. Sylvester.

The Order of the Day for the House in Committee on the Bill to detach the parish of St. Sylvester, from the county of Lotbinière, and to annex it to the county of Dorchester, for the purposes of registration only, being read,

The House accordingly resolved itself into the said Committee.

The Honourable Mr. DeBleury took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And the Honourable Mr. DeBleury reported that the Committee had gone

through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Haldimand
County.

Haldimand The Order of the Day for the second reading
County. of the Bill to erect the county of Haldimand into
 a separate district, by the name of the Albert
district, and the northern townships of the county of Kent into a
separate district, by the name of the district of Moore, being read,

Mr. Thompson moved, seconded by Mr. Christie, that the said Bill be now read a second time,⁶⁷

The Sol. General ((MR. H. SHERWOOD)) objected to the second reading of the bill, to separate the county of Haldimand as a separate district⁶⁸. There were already in Upper Canada 22 Districts, requiring 44 Circuits annually, and 88 Courts of Quarter Session. If two new Districts were erected, they would require Court Houses to be built at the expense of thousands of pounds,⁶⁹ the erection of a Jail⁷⁰, Sheriffs to be appointed,--and other officers to be sustained,⁷¹ and the extra expense to the province of holding courts there⁷², with all the expensive machinery of separate Districts.⁷³ A bill is to be brought in to-morrow which he hoped will remedy the inconvenience at present felt by the inhabitants of Haldimand in being obliged to go 70 or 80 miles to the district Court at Niagara, by annexing two townships to the Talbot district, and two more to the Gore District for judicial purposes.--He would not however detach them for electoral purposes, as by the present electoral law, the poll is held in each township, and consequently no inconvenience could arise to the inhabitants.⁷⁴

MR. THOMPSON objected to the apportioning of the townships in the way proposed by the Solicitor General; he held in his hand a petition from the inhabitants, praying that they might not be apportioned off in this manner.⁷⁵ ((He)) thought that they may be set apart as a separate district. He would have no objection, on account of the four townships if it were not for five others which are left to themselves.⁷⁶ He proposed that the bill should be read a second time, and then allowed to lie over until the next session, in order to obtain the opinion of the inhabitants upon the subject.⁷⁷

MR. BALDWIN was opposed to the partitioning off of Counties in the manner proposed by the Solicitor General, so that the inhabitants should vote for municipal purposes in one District, and for parliamentary in another; he thought it was more convenient, and would more advance the interests of the people, to allow them to constitute one District, or to be permanently attached to one. He could not approve

of this partitioning of Poland sort of legislation.⁷⁸

MR. DICKSON thought the small number of inhabitants was an insuperable objection to making Haldimand a separate district, he had said that they have petitioned for it for nine years, and the conclusion to be drawn is that there was some reason for which it could not be done. Of the two evils Sol. General's is the least, for he knows that many persons have complained of being obliged to travel 70 or 80 miles when the district Courts of other districts were nearer to them. If the Division Court bill were amended to cause the Court to be held in a greater number of places, ... that would perhaps be more effectual⁷⁹.

MR. POWELL concurred in the views of Mr. Dickson, if he thought Mr. Thompson's bill were for the good of the people he would not vote against it, but he knew perfectly well the feelings of the people living in their vicinity. Haldimand was much smaller than his own district, and with a population nearly double, they had the greatest difficulty in supporting their public offices. Adding Rainham and Walpole to Norfolk, will bring them near the court, and it will be no expense to them as the Court House is built, and they will have a good plank road to it. Mr. Dickson well knows the feelings of the people, and has promulgated them.⁸⁰

COLONEL PRINCE considered that it ought to be postponed, as he wished to get the opinion of the people of Essex upon the subject, they being interested in the matter; and also because the representative of the County of Kent, which was to be disposed of, was not yet in that House.⁸¹

DR. DUNLOP ... opposed the bill⁸².

(206)

The Honourable Mr. Solicitor General Sherwood moved, in amendment, seconded by Mr. Boulton, that the words "now" in the said motion, be struck out, and the words "this day six months," substituted.

MR. ROLLAND MACDONALD rose to express his concurrence in the Sol. General's remarks, and would support his bill.⁸³

(206)

The question having been put on the motion of amendment, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Boulton, Chalmers, Daly, Dickson, Dunlop, Ermatinger, Foster, Gowan, Jessup, Johnston, Lawrason, Macdonald of CORNWALL, Macdonald of KINGSTON, Macdonell of DUNDAS, M'Connell, Meyers, Moffatt, Powell, Petrie, Prince, Robinson, Seymour, Sherwood of BROCKVILLE, Solicitor General Sherwood,

Attorney General Smith, Smith of WENTWORTH, Stewart of BYTOWN, and Webster--(28.)

NAYS.

Baldwin, Berthelot, Bertrand, Cauchon, Chauveau, Christie, DeWitt, Jobin, Lacoste, LaFontaine, Lantier, Laterrière, Laurin, Methot, Morin, Taché, and Thompson--(17.)

So it was carried in the affirmative.

The question being then put on the main motion, as amended, it was agreed to by the House, and

Ordered, That the said Bill be read a second time this day six months.

Religious Societies.

The Order of the Day for the second reading of the Bill to extend the provisions of a certain Act of Parliament of the Province of Upper Canada, passed in the ninth year of the reign of His late Majesty, King George IV., intituled, "An Act for the relief of the Religious Societies therein mentioned," to other denominations of Christians than those therein enumerated, being read,

The said Bill was accordingly read, and committed to a Committee of the whole House on Thursday next.

(207)

Dog Tax.

The Order of the Day for the second reading of the Bill to empower the District Councils in Upper Canada, to impose a tax on dogs, and to regulate Temperance houses within their respective districts, being read,

The said Bill was accordingly read, and committed to a Committee of the whole House.

*Mr. Johnston took the chair of the Committee,*⁸⁴

MR. ((G.)) MACDONELL, of Dundas, objected to the principle of the bill, as it would impose a duty on the Farmers Watch Dog.⁸⁵ It linked dogs and Temperance Houses together, and moreover gave an irreverent preference to dogs.⁸⁶

MR. HALE was of opinion that it was bad policy to levy a tax upon Temperance Houses; they ought rather to be encouraged by an exemption from taxation.⁸⁷

(207)

and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Johnston reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again, on Wednesday next.

Payments
by District
Treasurers.

The Order of the Day for the second reading of the Bill to prevent district Treasurers in Upper Canada from making any payments as such, otherwise than in current money, and for other

purposes, being read,

The said Bill was accordingly read, and committed to a Committee of the whole House.

The Honourable Mr. Robinson took the chair of the Committee,⁸⁸

MR. BOULTON opposed the measure, as altogether unnecessary, and as one which would disgrace the statute book. He thought the hon. gentleman who brought it forward was influenced by some personal pique; for his own part, he had never heard any complaints which justified the passage of this bill. No doubt there were cases in which District Treasurers had paid in goods, but they had been for the accommodation of the party paid, at a time when the Treasurer was not in funds. The bill, instead of acting against the Treasurer, would be prejudicial to those it was intended to benefit, by depriving them of temporary assistance, which the Treasurer before had it in his power to give them.⁸⁹

MR. JOHNSTON insisted upon the necessity of the bill; and as for it being disgraceful, he hoped the hon. member would never introduce one which would disgrace him or the statute book more than this. He would call to his mind that the Treasurer of a District near Toronto had gone off with £400; the Treasurer of his own (Mr. J.'s) District was not so bad as that, he merely paid his own notes with the public money, and the people who ought to have received it, with goods out of his store.⁹⁰

DR. DUNLOP supported the bill; the hon. gentleman who saw no necessity for it, was a Toronto cockney, who had no idea of any thing which occurred out of the Main Street of Toronto. There was the greatest necessity for the passage of the bill.⁹¹

MR. BALDWIN was opposed to the bill as unnecessary, and moved that the committee should rise, which motion was lost.⁹²

MR. ((R.)) MACDONALD, of Cornwall, advocated the necessity of the bill, the practice of District Treasurers making payment in goods was so general, that he himself knew an instance in which an individual having no knowledge of mercantile matters, being appointed District Treasurer, immediately started storekeeper (sic), for the very purpose of doing that which this bill sought to prevent.⁹³

MR. GOWAN spoke in favour of the bill.⁹⁴

(207)

and after some time spent therein,

Mr. Speaker resumed the chair,

And the Honourable Mr. Robinson reported that the Committee had gone through the Bill, and had made an amendment thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Mr. Speaker having put the question,

Shall the Report be received?

The House divided thereon, and the names being called for, they were taken down as followeth:--

YEAS.

Cauchon, Chalmers, Christie, Cummings, Dunlop, Ermatinger, Foster, Gowan, Hale, Jessup, Johnston, Lacoste, Laurin, Macdonald of CORNWALL, Macdonald of KINGSTON, Macdonell of DUNDAS, M'Connell, Meyers, Moffatt, Petrie, Prince, Stewart of BYTOWN, Webster, and Williams--(24.)

NAYS.

Baldwin, Bertrand, Boulton, DeWitt, Jobin, Lantier, Macdonell of STORMONT, Powell, Robinson, Seymour, Smith of WENTWORTH, Taché and Thompson.--(13.)

So it was carried in the affirmative, and

Ordered, That the said Report be received to-morrow.

Gaspé and
Gulf Fisheries.

The Order of the Day for the House in Committee, to take into consideration the expedience of affording encouragement to the Gaspé and Gulf Fisheries, carried on from this Province, by exempting salt and other articles, indispensable to the fisheries, from duties, being read,

Ordered, That the said Order of the Day be postponed until Thursday, the sixth day of February next.

Landholders
Gaspé.

The Order of the Day for the House in Committee on the Bill, for the relief of certain landholders in the Gaspé district, being read,

Ordered, That the said Order of the Day be postponed until Thursday next.

Incorporation
des Soeurs.

The Order of the Day for the House in Committee, on the Bill to incorporate "La Communauté des Soeurs des Saints Noms de Jésus et Marie," of the parish of St. Antoine de Longueuil, in the district of Montreal, for the purposes of education, being read,

The House accordingly resolved itself into the said Committee.

Mr. Macdonald, of Cornwall, took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Macdonald, of Cornwall, reported that the Committee had gone through the Bill, and had made an amendment thereto, which amendment was again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

Then, on motion of Mr. Williams, seconded by Mr. Petrie,

The House adjourned.

APPENDIX, 27 JANUARY 1845.

((QUESTION AND ANSWER RE: CONSTRUCTION OF A HOUSE OF
PARLIAMENT.))⁹⁵

M. LAFONTAINE a demandé au ministère si c'était son intention de
demander de l'argent dans cette session pour bâtir un palais législatif
à Montréal.⁹⁶

Le ministère a répondu que telle n'était pas son intention.⁹⁷

FOOTNOTES - 27 JANUARY 1845.

1. The debate on this matter was reported by: MONTREAL GAZETTE, 30 January 1845, and BRITISH COLONIST, 4 February 1845, in identical accounts; PILOT, 29 January 1845; and MONTREAL TRANSCRIPT, 28 January 1845. The PILOT also contains a commentary.
2. MONTREAL GAZETTE, 30 January 1845.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID. According to the PILOT, 29 January 1845, "Sherwood was the principle speaker in opposition to the bill...."
11. MONTREAL GAZETTE, 30 January 1845.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. PILOT, 29 January 1845.
19. IBID.
20. IBID.
21. MONTREAL TRANSCRIPT. 28 January 1845.
22. MONTREAL GAZETTE, 30 January 1845.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. The debate on this motion was reported by: BRITISH COLONIST, 7 February 1845, and MONTREAL GAZETTE, 30 January 1845, in identical accounts; ST. CATHARINES JOURNAL, 6 February 1845; and MONTREAL TRANSCRIPT, 28 January 1845. When selections are chosen from the identical reports of the COLONIST and the GAZETTE, the COLONIST is used, because the GAZETTE is difficult to read.
28. ST. CATHARINES JOURNAL, 6 February 1845.
29. IBID.
30. IBID.
31. IBID.
32. BRITISH COLONIST, 7 February 1845.
33. ST. CATHARINES JOURNAL, 6 February 1845.
34. MONTREAL TRANSCRIPT, 28 January 1845.
35. BRITISH COLONIST, 7 February 1845.
36. MONTREAL TRANSCRIPT, 28 January 1845.
37. ST. CATHARINES JOURNAL, 6 February 1845.
38. The debate on this matter was reported in: ST. CATHARINES JOURNAL,

6 February 1845; and BRITISH COLONIST, 4 February 1845, and MONTREAL GAZETTE, 30 January 1845, in identical accounts.

39. BRITISH COLONIST, 4 February 1845.

40. ST. CATHARINES JOURNAL, 6 February 1845.

41. BRITISH COLONIST, 4 February 1845.

42. IBID.

43. The debate on this matter was reported in: MONTREAL TRANSCRIPT, 28 January 1845, BRITISH COLONIST, 4 February 1845, and MONTREAL GAZETTE, 30 January 1845, in reports identical except that of the MONTREAL TRANSCRIPT is somewhat shorter; PILOT, 29 January 1845; and the debate is noted in the ST. CATHARINES JOURNAL, 6 February 1845. Often the GAZETTE is very difficult to read, and the COLONIST has been used instead in these cases.

44. BRITISH COLONIST, 4 February 1845.

45. IBID.

46. IBID.

47. IBID.

48. MONTREAL GAZETTE, 30 January 1845.

49. BRITISH COLONIST, 4 February 1845.

50. MONTREAL TRANSCRIPT. 28 January 1845.

51. The debate on this motion was reported by: MONTREAL TRANSCRIPT, 28 January 1845; BRITISH COLONIST, 7 February 1845, and MONTREAL GAZETTE, 30 January 1845, in identical reports; ST. CATHARINES JOURNAL, 6 February 1845; LE CANADIEN, 31 January 1845; and the PILOT, 29 January 1845. When selections are chosen from the identical accounts in the COLONIST and the GAZETTE, the COLONIST is used because the GAZETTE, though of much earlier date, is difficult to read.

52. BRITISH COLONIST, 7 February 1845.

53. IBID.

54. ST. CATHARINES JOURNAL, 6 February 1845.

55. BRITISH COLONIST, 7 February 1845.

56. IBID.

57. IBID.

58. IBID.

59. IBID.

60. ST. CATHARINES JOURNAL, 6 February 1845.

61. BRITISH COLONIST, 7 February 1845.

62. IBID.

63. ST. CATHARINES JOURNAL, 6 February 1845.

64. BRITISH COLONIST, 7 February 1845.

65. IBID.

66. PILOT, 29 January 1845.

67. The debate on this motion was reported in: ST. CATHARINES JOURNAL, 6 February 1845; and MONTREAL GAZETTE, 30 January 1845, and BRITISH COLONIST, 4 February 1845, in identical accounts. When selections are chosen from the identical reports in the COLONIST and the GAZETTE, the COLONIST is used because the GAZETTE, though of much earlier date, is difficult to read.

68. ST. CATHARINES JOURNAL, 6 February 1845.
69. BRITISH COLONIST, 4 February 1845.
70. ST. CATHARINES JOURNAL, 6 February 1845.
71. BRITISH COLONIST, 4 February 1845.
72. ST. CATHARINES JOURNAL, 6 February 1845.
73. BRITISH COLONIST, 4 February 1845.
74. ST. CATHARINES JOURNAL, 6 February 1845.
75. BRITISH COLONIST, 4 February 1845.
76. ST. CATHARINES JOURNAL, 6 February 1845.
77. BRITISH COLONIST, 4 February 1845.
78. IBID.
79. ST. CATHARINES JOURNAL, 6 February 1845.
80. IBID.
81. BRITISH COLONIST, 4 February 1845.
82. IBID.
83. ST. CATHARINES JOURNAL, 6 February 1845.
84. The debate on this matter was reported by: BRITISH COLONIST, 4 February 1845, and MONTREAL GAZETTE, 30 January 1845, in identical accounts; and ST. CATHARINES JOURNAL, 6 February 1845. Because the GAZETTE is difficult to read, the COLONIST has been used instead.
85. ST. CATHARINES JOURNAL, 6 February 1845.
86. BRITISH COLONIST, 4 February 1845.
87. IBID.
88. The debate on this matter was reported in: BRITISH COLONIST, 4 February 1845, and MONTREAL GAZETTE, 30 January 1845, in identical accounts; and ST. CATHARINES JOURNAL, 6 February 1845. Because the GAZETTE is difficult to read, the COLONIST has been used instead.
89. BRITISH COLONIST, 4 February 1845.
90. IBID.
91. IBID.
92. IBID.
93. IBID.
94. IBID.
95. This exchange was reported by: LE JOURNAL DE QUEBEC, 30 January 1845; and LE CANADIEN, 31 January 1845.
96. LE CANADIEN, 31 January 1845.
97. LE JOURNAL DE QUEBEC, 30 January 1845.

TUESDAY, 28 JANUARY 1845.

(207)

Gore Bank.

MR. SPEAKER laid before the House a General Statement of the affairs of the Gore Bank, received in conformity to an order of the House, of the tenth instant.

(For the said General Statement, see Appendix Q.)

Petitions

brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Greive, the Petition of V. Guillet and others, Commissioners of the House of Correction, for the district of Three Rivers.

By the Honourable Mr. Moffatt, the Petition of the Montreal Board of Trade, (relating to duty on distillers); and the Petition of the Montreal Board of Trade, (relating to goods sold at Auction.)

By Mr. Lantier, the Petition of W. H. Waters and others, of the county of Vaudreuil; and the Petition of P. T. Masson and others, of the county of Vaudreuil.

Petitions
referred.

T. Syer
and others.

of Toronto, relating to Schools.

Ordered, That the Petition of Thomas Syer and others, of the township of Cavan, be referred to the Select Committee to which was referred the Petition of the Right Reverend the Lord Bishop of Toronto and others, members of the United Church of England and Ireland, in the city and vicinity

S. Crane
and others.

Resolved, That the Petition of S. Crane and others, of the district of Johnstown, be referred to a Select Committee, composed of Mr. Jessup, Mr. Sherwood, of Brockville, Mr. Gowan, and Mr. Stewart, of Bytown, to examine the contents thereof, and to report thereon, with all convenient speed; with power to send for persons, papers, and records.

J. B. Lewis
and others.

Resolved, That the Petition of J. B. Lewis and others, of Richmond and its vicinity, in the district of Dalhousie, be referred to a Select Committee, composed of Mr. Johnston, Mr. Macdonald, of Kingston, Mr. Sherwood, of Brockville, Mr. Gowan, and Mr. Stewart, of Bytown, to exa-

(208)

mine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Reverend
W. Bettridge
and others.

Ordered, That the Petition of the Reverend William
Bettridge, B.D., and others, members of the
United Church of England and Ireland, in the
rectory of Woodstock, in the district of Brock,
(relating to Clergy Reserves), be referred to the Select Committee to
which was referred the Petition of the Church Society of the diocese of
Toronto, and other references.

Petition of
J. Whiteford
and others.

Resolved, That the Petition of John Whiteford and
others, of Three Rivers, be referred to a
Select Committee, composed of Mr. Greive, the
Honourable Mr. Morin, the Honourable Mr. Mof-
fatt, Mr. Lantier, and Mr. Hale, to examine the contents thereof, and to
report thereon with all convenient speed, by Bill or otherwise; with
power to send for persons, papers, and records.

Petition of
W. Connolly
and others.

Ordered, That the Petition of William Connolly
and others, citizens of Montreal, be referred
to the Special Committee, to which was refer-
red the Petition of the Mayor, Aldermen, and
citizens of the city of Montreal, (relating to the Ordinances incorpor-
ating the said city), and other references.

Attachment
of Salaries.

Mr. Christie, from the Select Committee, to
which was referred the Bill to authorize, to a
certain extent, the seizure and attachment of
Official Salaries, towards payment of the incumbents debts, reported
that the Committee had gone through the Bill, and had made several
amendments thereto, which amendments were again read at the Clerk's
table.

Ordered, That the said Bill and Report be committed to a Committee of
the whole House to-morrow.

Meetings of
Relations
and Friends.

Mr. Lacoste, from the Select Committee to which
was referred the Bill to enable Notaries to call
meetings of relations and friends in certain cases,
without being thereunto specially appointed or
authorized by a Judge, reported that the Committee had gone through the
Bill, and had made several amendments thereto, which amendments were
again read at the Clerk's table.

Ordered, That the said Bill and Report be committed to a Committee of
the whole House, on Thursday next.

On motion of Mr. Price, seconded by Mr. Powell,

Date of Writs
of certain
Elections.

Ordered, That the proper officer be directed to lay on the table of this House, the following statement respecting the elections for the counties of Simcoe, Saguenay, Kent, Lanark, and the town of London, lately pending, or now pending: That is to say: the day on which each writ was moved for; the date of the Speaker's warrants; the date of the letter from the Clerk of the Crown in Chancery to the Government, informing them of the issue of each writ; the date of the announcement to him of the appointment of a Returning Officer; the day on which the respective writs bear date, and when returnable; and when each writ was transmitted to the Returning Officer.

On motion of Mr. Lantier, seconded by Mr. Méthot,

Province Line
between Upper
and Lower Canada.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying His Excellency to cause the proper officer to lay before the House, copies of all documents, papers, records, protests, protestations, reports of Commissioners, and reports of surveys, factums, orders in council, now in the hands of the Executive of the Province, referring to the line between Upper and Lower Canada, together with a copy of all correspondence between the Executive Government and Mrs. Widow DeBeaujeu, G.R.S. DeBeaujeu, the Honourable DeLotbinière, DeLongueuil, and DeBeaujeu, in reference to the said line.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House, as are of the Honourable the Executive Council of this Province.

Clergymen
voting at
Elections.

Ordered, That Mr. Laurin have leave to bring in a Bill to repeal that portion of the Act therein mentioned, which prevents members of the Clergy from voting at elections of Members to serve in the Legislative Assembly of this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Thursday next.

Christian
Unitarians.

Ordered, That the Honourable Mr. Moffatt, have leave to bring in a Bill to afford relief to a certain religious congregation at Montreal, denominated "Christian Unitarians."

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Reid and
Shepherd.

Resolved, That a Message be sent to the Honourable the Legislative Council, praying their Honours will permit the Honourable James Morris, one of their Members, to attend the Select Committee, to which was referred the Petition of John Reid and Robert Shepherd, of the city of Montreal, relating to their claim against the Commissioners of the St. Lawrence Canal, on Thursday next, at ten o'clock in the forenoon, to be examined on the subject of the said reference.

Ordered, That Mr. Sherwood, of Brockville, do carry the said Message to the Legislative Council.

Parish of
St. Sylvester.

The Honourable Mr. DeBleury, from the Committee of the whole House, on the Bill to detach the parish of St. Sylvester from the county of Lotbinière, and to annex it to the county of Dorchester, for the purposes of registration only, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

Payments
by District
Treasurers.

The Honourable Mr. Robinson, from the Committee of the whole House, on the Bill to prevent District Treasurers in Upper Canada from making any payments as such, otherwise than in current money, and for other purposes, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

MR. ((G.)) MACDONELL¹ of Dundas, rose in his place, and complained of a paragraph in the Montreal Herald of this day, as containing matter reflecting upon the conduct of certain members.² He said that he admitted most cheerfully the right of the fourth estate to comment freely on the public conduct of the members of the House, to ridicule them even if they pleased, but he contended that it ought not to be tolerated that the press should follow them into the committee room where they were sitting judicially and sworn to decide according to the evidence before them.³

(208)

Reflections
by a certain
Newspaper.

. Complaint being made to the House of a printed newspaper, intituled, "Montreal Herald, and Daily Commercial Gazette," dated Tuesday morning, January 28, 1845, printed and published by Robert Weir & Co., at No. 23, St. Gabriel Street, in respect of a paragraph containing

(209)

reflections on certain Members of the Select Committee, appointed to try the merits of the Petition of Samuel Wood and others, electors of the North Riding of the county of Lincoln, district of Niagara, complaining of the undue election and return of William Hamilton Merritt, Esquire, as a Member to represent the said North Riding of the county of Lincoln, in the present Parliament.

The said paper was delivered in, and the paragraph complained of read.

((It)) was read in French and in English by the Clerk⁴.

The following is the paragraph from the Herald, complained of:--

"It will be seen by the record of the routine business before the House of Assembly last night, in another column, that the committee on Mr. W. H. Merritt's election for South Lincoln, have reported in favour of that gentleman's retaining his seat. We have seen the evidence upon which this most extraordinary verdict was grounded, and upon which we shall take the liberty of commenting in our next issue. We regret to say it, but we certainly never met with a more shamelessly gross instance of twisting fact and law--letter as well as spirit--to suit the interests of "party," than the decision in question. "Honest Robert," our Canadian Grenville, was the master juggler on the occasion. He again succeeded in humbugging that very weak young gentleman, Mr. Macdonnell, of Dundas, and thus, with Mr. Lantier's double vote as chairman, 'did the trick' and astonished his political opponents by proving, that his own favourite 'independence of parliament' bill, was a mere nullity. The case is, altogether, a very rich one, and strongly characteristic, not only of Mr. Baldwin's very peculiar 'honesty,' but also of the great engineering powers of Mr. Killaly and the officers of the Board of Works."⁵

(209)

Mr. Macdonell, of Dundas, moved, seconded by Mr. Dunlop, that the said paragraph reflecting upon the conduct of Members of this House acting in a judicial capacity, is a gross breach of the privileges of this House.

MR. MURNEY ... require((d)) the exclusion of strangers⁶.

The debate accordingly took place with closed doors.⁷

(209)

Mr. Boulton moved, seconded by Mr. Hall, the previous question, viz.:

Shall the question be now put on the said motion?

Upon which the House divided, and the names being called for, they were taken down as followeth:--

YEAS.

Aylwin, Baldwin, Berthelot, Bertrand, Cauchon, Chauveau, Christie, Desautrier, DeWitt, Drummond, Guillet, Jobin, Lacoste, LaFontaine, Lantier, Laterrière, Laurin, LeMoine, Leslie, Macdonell of DUNDAS, Macdonell of STORMONT, Méthot, Morin, Powell, Price, Rousseau, Scott, Smith of WENTWORTH, Taché, Taschereau, and Thompson--(31.)

NAYS.

Boulton, Brooks, Chalmers, Colville, Cummings, Daly, DeBleury, Dickson, Duggan, Ermatinger, Foster, Gowan, Greive, Hale, Hall, Jessup, Lawrason, Macdonald of CORNWALL, Macdonald of KINGSTON, M'Connell, Meyers, Moffatt, Murney, Papineau, Petrie, Robinson, Roblin, Seymour, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Stewart of BYTOWN, Stewart of PRESCOTT, Watts, Webster, and Williams--(36.)

*So it passed in the negative.*⁸

Physic and Surgery.

The Order of the Day for the second reading of the Bill to regulate the Study and Practice of Medicine, Surgery, and Midwifery, within this Province, being read,

The said Bill was accordingly read, and referred to a Select Committee, composed of the Honourable Mr. Attorney General Smith, Mr. Dunlop, Mr. Jessup, Mr. Taché, and the Honourable Mr. Laterrière.

Counties and Districts in Upper Canada.

The Order of the Day for the House in Committee on the Bill for better defining the limits of the counties and districts in Upper Canada; for erecting certain new townships; for detaching townships from some counties and attaching them to others; and for other purposes relative to the division of Upper Canada into townships, counties, and districts, being read,

The House accordingly resolved itself into the said Committee.

*Mr. Colville took the chair of the Committee,*⁹

*The Bill was opposed by MR. THOMPSON, on the ground that it did not provide for the division of the County of Haldimand in such a manner as will be agreeable to the inhabitants.*¹⁰

(209)

and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Colville reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Mr. Thompson moved, seconded by the Honourable Mr. Baldwin, that the said Report be not received, but that the Bill be recommitted to a Committee of the whole House to-morrow, for the purpose of striking out that part which relates to the division of the county of Haldimand.

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Armstrong, Aylwin, Baldwin, Cauchon, Chauveau, Christie, DeWitt, Drummond, Hale, Lantier, Laterrière, Laurin, Merritt, Méthot, Morin, Roblin, Small, Taché, and Thompson--(19.)

NAYS.

Boulton, Chalmers, Colville, Daly, DeBleury, Duggan, Ermatinger, Foster, Gowan, Hall, Jessup, Johnston, Macdonald of CORNWALL, Macdonald of KINGSTON, Macdonell of DUNDAS, M'Connell, Meyers, Powell, Petrie, Prince, Robinson, Seymour, Sherwood of BROCKVILLE, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Stewart of BYTOWN, Webster, and Williams--(29.)

So it passed in the negative.

Ordered, That the question of concurrence be now separately put upon the said amendments,

And the said amendments being again severally read, and the question of concurrence being separately put upon each, they were agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

The next order of the day¹¹ was Mr. Christie's Bill, "Printing of the Laws."¹²

MR. CHRISTIE said, that if the Government was prepared to take any steps to facilitate the distribution of the Laws, he would withdraw the Bill. He would suggest also to hon. members opposite, that the monopoly

enjoyed by the Queen's Printers should be abolished, and the Laws furnished to the public at the same rate as they were to the Government. At the present time such an exorbitant price was asked for the Statutes that they were beyond the reach of the public generally; and how could laws be obeyed, if they were not known.¹³

MR. ATTORNEY GENERAL ((J.)) SMITH said, that the Government would take steps to ensure the early delivery of the Laws in future. To the other suggestion he could give no reply.¹⁴

At this stage, the Bill was superseded by Mr. Sol. Gen. ((H.)) Sherwood's Bill "for the relief of Insolvent Debtors," which, as a Government measure, took precedence.¹⁵

(209)

Insolvent
Debtors. *The Order of the Day for the second reading of the Bill, for the relief of insolvent debtors, being read,*¹⁶

MR. ((H.)) SHERWOOD moved the second reading.¹⁷

(209)

The said Bill was accordingly read,

The Sol. Gen. ((MR. H. SHERWOOD)), seconded by the Att. Gen., ((MR. J. SMITH)), then moved that the said Bill be referred to a select committee, to consist of Messrs Aylwin, Sherwood (Sol. Gen.), Duggan, Sherwood (Brockville), and M'Donald (Cornwall)¹⁸, in order to have a clause added thereto for the relief of traders who have become insolvent previous to the passage of the Bankrupt Act.¹⁹

MR. JOHNSTON objected to the committee being composed entirely of lawyers; and moved, seconded by DR. DUNLOP, that the following gentlemen should be added, viz., Messrs. Stuart (Bytown), Roblin, and Dr. Dunlop.²⁰

DR. DUNLOP said he was extremely glad that the House was assimilating the law in a great many important particulars to that of his own country. The more they did so the better it would be for the people of the Province, for at present they had the civil law at one end of the Province, and the common law at the other, and he certainly opined that the civil law, which was made at the time when the studies of philosophy and metaphysics were at their very highest perfection, was rather the best of the two.²¹ It was said that the Tower of London had been begun by the Ancient Britons, covered in by the Romans, improved by the Saxons, and finished by the Normans; just so it was with the Common Law of England.²² But, he would ask whether a plan contrived by one architect would not have insured a more consistent and beautiful building²³, ((instead of)) the old rookery which we now

see.²⁴ As he had said on a former occasion²⁵, he was glad that the present bill approached so nearly to the Scotch cessio honorum, by which law, when the debtor gives up all he has, he can go out into the world under the protection of the Court, and no one can touch his person; but he is free to attain the means of maintaining himself, instead of being mewed up like a rat in a cage, to do no good to himself, but to do a great deal of harm to the district in which he is confined. Now lawyers were extremely fond of fictions of law, and he would tell them in what way the fiction arose by which men were imprisoned for debt in Scotland. It arose from the idea--not that men could not pay their debts, but that they would not. The thing was managed in this way; the creditor wrote to his Majesty, and complained that his debtor would not pay him, and then his Majesty wrote to the debtor, and ordered him to pay his loving subject the amount of his claim within 61 days. Well, the debtor still did not pay, and said he could not, upon which his Majesty had him arrested, not by a bum-bailiff, however, but by a messenger at arms, from the Herald's College. But what was he imprisoned for? --Not for debt.²⁶

MR. AYLWIN said "on suspicion."²⁷

((DR. DUNLOP continued:)) Not for debt, but because he had disobeyed the commands of his Sovereign. He was then imprisoned sixty-one days for that disobedience, and then came up before the Court and was discharged; but all the property which he might afterwards acquire was liable to be seized for the benefit of his creditors.²⁸

The Speaker ((SIR ALLAN MACNAB)) called the hon. member to order, as he was not speaking to the question.²⁹

DR. DUNLOP said, that his argument was this; from the experience of the manner in which fictions like the one he had described, had been acted upon by lawyers, it appeared very clearly, that they had no other idea of justice, than what was comprised in the practice of the Courts, and he therefore thought they were not fit persons to compose this committee.³⁰

Solicitor-General ((MR. H.)) SHERWOOD had no objection to the amendment, as the gentlemen named in it were all men of intelligence. But he did dislike this twaddle about lawyers. The motion he had made was an exact transcript from the English journals, and he had named a committee of lawyers as more likely to understand the objects of the Bill.³¹

(209)

and ((the Bill was therefore)) referred to a Select Committee, composed of the Honourable Mr. Solicitor General Sherwood, the Honourable Mr. Aylwin, Mr. Duggan, Mr. Macdonald, of Cornwall, Mr. Sherwood, of Brockville, Mr. Dunlop, Mr. Stewart, of Eytawn, and Mr. Roblin, to report

thereon with all convenient speed; with power to send for persons, papers, and records.

MR. CHRISTIE's Bill, "Printing the Laws," was again brought on.³²

MR. ATTORNEY GENERAL ((J.)) SMITH hoped that the hon. gentleman would not press the measure. He objected to the principle of the Bill as an interference with the prerogative of the Crown. It provided for the printing being submitted to public competition, which was a subject that House could not legislate upon. The Executive was responsible for the printing of the Laws, and, therefore, must have the appointment of the printer. If the matter was submitted to contract, what remedy was there against the individual for any error or neglect. He trusted he had said enough to induce the hon. gentleman to withdraw the Bill. Any suggestions which might be offered for the better regulation of the printing, he should be most happy to listen to. He would therefore move that the Bill be read a second time this day six months.³³

MR. AYLWIN was opposed to the Bill, and would support the motion of the Attorney General. In Lower Canada, the superintendence of the Laws was vested in the Governor, and he alone was responsible for the manner in which they were sent forth, and could alone regulate all relating to them, and he was of opinion that the Act of Union had not taken the authority from him. But there had been a just outcry against the delay which had taken place in the distribution of the Statutes, which were frequently in force six months before the people who were subject to them obtained them. At the present time, a bookseller in Toronto was advertising the second volume of the Revised Statutes of Upper Canada, at \$10, and yet not one copy had been received by the members of that House, and their repeated applications had been in vain.³⁴

MR. ATTORNEY GENERAL ((J.)) SMITH said, that an arrangement of the kind suggested was under consideration.³⁵

MR. CHRISTIE withdrew the Bill.³⁶

(209)

Town of
Sherbrooke.

The Order of the Day for the House in Committee on the Bill, to extend to the town of Sherbrooke, the provisions of a certain Ordinance therein mentioned, relating to the appointment of Peace Officers, and Constables; and also to explain the jurisdiction of the General Sessions of the Peace, for the district of St. Francis, being read,

The House accordingly resolved itself into the said Committee.

Mr. Petrie took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Petrie reported that the Committee had gone through the Bill, without making any amendment thereto, and the Report was again read at the Clerk's table.

Ordered, That the said Bill be engrossed.

Then on motion of Mr. Gowan,

The House adjourned.

FOOTNOTES - 28 JANUARY 1845.

1. The debate on this matter was reported by: BRITISH COLONIST, 4 February 1845; LE JOURNAL DE QUEBEC, 30 January, 1 February 1845; L'AUREOLE, 30 January, 1 February 1845; BRITISH WHIG, 31 January 1845, copied from MONTREAL TIMES, and ST. CATHARINES JOURNAL, 6 February 1845, in identical accounts; MONTREAL TRANSCRIPT, 30 January 1845; PILOT, 29 January 1845, whose account was copied by the ST. CATHARINES JOURNAL, 13 February 1845; and LE CANADIEN, 31 January 1845. The PILOT, 29 January 1845, also contains a commentary.
2. BRITISH COLONIST, 4 February 1845.
3. PILOT, 29 January 1845.
4. IBID.
5. BRITISH COLONIST, 4 February 1845.
6. PILOT, 29 January 1845.
7. IBID. The ST. CATHARINES JOURNAL, 6 February 1845, reported that: "We of course are not able to give a full account of what took place; but we conjecture that it was proposed to commit the offender to the custody of the Sergeant-at-Arms: and we further conjecture that the mercy of the House was at last extended to the wretched culprit by a majority of five." Presumably this information was provided by a member of the House. L'AUREOLE, 30 January 1845, also reported one speech made behind supposedly closed doors: "M. LA FONTAINE ... dit qu'il ne fallait pas procéder contre la presse, et dans ce cas-ci surtout contre le Herald, de peur de lui donner de l'importance et l'air du martyr...."
8. None of the papers reporting this incident specify when the doors were re-opened and strangers re-admitted. However, it is highly probable that once the matter was disposed of and the House returned to regular business, the doors were immediately re-opened; i.e., after the division on MacDonell's motion, and before the order of the day for the Bill to regulate the study and practice of medicine, surgery and midwifery.
9. The debate on this matter was reported by: BRITISH COLONIST, 4 February 1845.
10. BRITISH COLONIST, 4 February 1845.
11. The debate on this Bill was reported by: MONTREAL GAZETTE, 30 January 1845, and the GLOBE, 11 February 1845, in identical accounts; and ST. CATHARINES JOURNAL, 6 February 1845, BRITISH WHIG, 31 January 1845, copied from MONTREAL TIMES, and MONTREAL TRANSCRIPT, 30 January 1845, in identical accounts. The GLOBE is used rather than the GAZETTE, because though the latter is of much earlier date, it is also quite difficult to read. According to the GAZETTE, 30 January 1845, this matter was first brought on immediately before the House went into committee on the Bill to relieve insolvent debtors, and then again immediately afterwards. Therefore it is so inserted in the JOURNALS, rather than in an Appendix, though the motion was ultimately withdrawn.
12. GLOBE, 11 February 1845.

13. IBID.
14. IBID.
15. IBID.
16. The debate on this Bill was reported by: MONTREAL TRANSCRIPT, 30 January 1845, BRITISH WHIG, 31 January 1845, copied from MONTREAL TIMES, and ST. CATHARINES JOURNAL, 6 February 1845, in identical accounts; BRITISH COLONIST, 7 February 1845; and MONTREAL GAZETTE, 30 January 1845.
17. MONTREAL GAZETTE, 30 January 1845.
18. MONTREAL TRANSCRIPT, 30 January 1845.
19. MONTREAL GAZETTE, 30 January 1845.
20. BRITISH COLONIST, 7 February 1845.
21. IBID.
22. MONTREAL GAZETTE, 30 January 1845. However, the BRITISH COLONIST, 7 February 1845, reports this analogy in slightly different terms: "The common law of England was like the Tower of London, which was begun by the ancient Britons - improved by the Romans - carried on by the Saxons - and finished by the Normans...."
23. MONTREAL GAZETTE, 30 January 1845.
24. BRITISH COLONIST, 7 February 1845.
25. MONTREAL GAZETTE, 30 January 1845.
26. BRITISH COLONIST, 7 February 1845.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. GLOBE, 11 February 1845.
33. IBID.
34. IBID.
35. IBID.
36. IBID.

WEDNESDAY, 29 JANUARY 1845.

(210)

Petitions
brought up.

THE following Petitions were severally
brought up, and laid on the table:--

By Mr. Lantier, the Petition of the Reverend Lewis D. Charland and others, of the parish of Rigaud, in the county of Vaudreuil.

By Mr. Armstrong, the Petition of W. Morrison and others, of the township of Brandon, in the county of Berthier.

By Mr. Prince, the Petition of William Evans, of Côte St. Paul, county of Montreal.

By the Honourable Mr. Baldwin, the Petition of Michael M'Donagh, and others, of the township of Mara, in the Home district.

By Mr. Price, the Petition of Thomas M'Allister and others, of the township of Vaughan, in the Home district.

By Mr. Macdonell, of Dundas, the Petition of Conrad Frymer, and Henry Merklie, trustees of the Lutheran congregation of Williamsburg.

Town of
Sherbrooke.

An engrossed Bill, to extend to the town of Sherbrooke, the provisions of a certain Ordinance therein mentioned, relating to the appointment of Peace Officers, and Constables, and also to explain the jurisdiction of the General Sessions of the Peace, for the district of St. Francis, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Hale do carry the said Bill to the Legislative Council, and desire their concurrence.

District Treasurers, U. C.

An engrossed Bill to prevent District Treasurers in Upper Canada, from making any payments as such, otherwise than in current money, and for other purposes, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Johnston do carry the said Bill to the Legislative Council, and desire their concurrence.

Rates and
Taxes, District
of Huron.

An engrossed Bill to provide for the recovery of the Rates or Taxes, intended to be imposed by certain By-laws of the District Council of the district of Huron, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Dunlop do carry the said Bill to the Legislative Council, and desire their concurrence.

St. Sylvester. An engrossed Bill to detach the parish of St. Sylvester from the county of Lotbinière, and to annex it to the county of Dorchester, for the purposes of registration only, was read for the third time.

Resolved, That the Bill do pass, and the title be, "An Act to detach the parish of Saint Sylvester from the county of Lotbinière, and to annex it to the county of Dorchester, for the purposes of registration only."

Ordered, That Mr. Laurin do carry the said Bill to the Legislative Council, and desire their concurrence.

Administration of Justice, Gaspé. An engrossed Bill, supplementary to an Act of the last Session of the Legislature relating to the administration of Justice in the Gaspé District, and to extend the provisions of the said Act, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Christie do carry the said Bill to the Legislative Council, and desire their concurrence.

Quebec Library Association. An engrossed Bill to incorporate certain persons, under the name of the "Members of the Quebec Library Association," was read for the third time.

Resolved, That the Bill do pass, and the title be, "An Act to incorporate the Members of 'The Quebec Library Association.'"

Ordered, That Mr. Christie do carry the said Bill to the Legislative Council, and desire their concurrence.

Soeurs des Saints. An engrossed Bill to incorporate "La Communauté des Soeurs des Saints Noms de Jésus et Marie," of the parish of St. Antoine de Longueuil, in the district of Montreal, for the purposes of education, was read for the third time.

Resolved, That the Bill do pass, and the title be, "An Act to incorporate 'La Communauté des Soeurs des Saints Noms de Jésus et Marie,' of the parish of St. Antoine de Longueuil; in the district of Montreal,

for the purposes of education."

Ordered, That Mr. Christie do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the Day, the following Petitions were read:--

Of Amable Archambault and others, of L'Assomption and other parishes in the county of Leinster, praying that no change may be made in the limits of the said county.

Of Jonathan Adamson and others, of Nelson and other townships, in the districts of Gore and Wellington, praying for an aid to improve a road through the said townships.

Of Alexander Rea, of the township of Compton, representing that he still suffers from the effects of a violent assault and outrage, by an armed mob from New Hampshire, one of the United States, in the year 1835; and that he was carried off a prisoner into the State of Vermont; and praying for an investigation and redress.

Of Simon Fraye and others, of Sophiasburgh, praying that no alteration may be made in the original survey of the western part of the said township, and the eastern part of the township of Ameliasburgh.

Of Aaron Slaght and others, inhabitants of Townsend, in the district of Talbot, praying for a branch road from Townsend to the Hamilton and Port Dover plank road.

Of Jeffery Hale, Esquire, and others, officers and members of the Quebec British and Canadian School Society, praying for the passing of an Act to incorporate the said Society.

Of the Church Society of the diocese of Quebec, praying that measures may be adopted for vesting in the said Society a share of the Clergy Reserves, corresponding with their proportion of the income arising from the same.

Of Thomas Eyre and others, of the town of Cobourg, in the district of Newcastle, praying that such a specific duty may be imposed upon Iron Castings imported from the United States, as shall afford protection to those of Provincial manufacture.

(211)

Of W. A. Dixie and others, of the township of Malden, in the Western district; of John Dawson and others, of the township of Romney, in the Western district; and of Prideaux Girty and others, of the township of Gosfield, in the Western district, praying that encouragement may be afforded to the growers of tobacco in the said district.

Of Daniel Daly, of the town of Cornwall, in the Eastern district, praying to be indemnified for the loss of his property, destroyed by a party of the labourers on the St. Lawrence canal.

Of Joseph Varin and others, Students of Medicine, in the city of Montreal, praying that the Legislature may be pleased to support the Montreal School of Medicine against the pretensions of the McGill College.

Petitions
referred.

J. Wetenhall
and others.

Resolved, That the Petition of John Wetenhall and others, of the township of Nelson, in the district of Gore, be referred to a Select Committee, composed of Mr. Chalmers, Mr. Dunlop, Mr. Price, Mr. Petrie, and Mr. Webster, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Petition of T.
White and
others; and of
John Lyon.

Ordered, That the Petition of Thomas White and others, of the township of Trafalgar, in the district of Gore; and the Petition of John Lyon and others, occupiers of Clergy Reserve Lots, in the township of Esquesing, in the county of Halton, be referred to the said Committee.

D. M'Intosh
and others.

Hon. R. U.
Harwood and
others.

Ordered, That the Petition of Donald M'Intosh and others, of the parishes of St. Polycarpe, St. Ignace, and St. Joseph, in the county of Vaudreuil; and the Petition of the Honourable R. U. Harwood and others, of the county of Vaudreuil, be referred to the Select Committee to which was referred the Petition of M. F.

Valois and others, inhabitants of Lachine and other parishes, and other references.

Counties and
Districts in
Upper Canada.

An engrossed Bill for better defining the limits of the counties and districts in Upper Canada; for erecting certain new townships; for detaching townships from some counties and attaching them to others; and for other purposes relative to the division of Upper Canada into townships, counties, and districts, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Solicitor General Sherwood do carry the said Bill to the Legislative Council, and desire their concurrence.

Petition of D.
A. Wilson and
others.

Ordered, That the Petition of Daniel A. Wilson
and others, of the parish of St. Ignace du
Côteau du Lac, be referred to the Select
Committee, to which was referred the Petition
of Michel Houle and others, of the city of Montreal, carters, and
other references.

MR. HALE¹ ((moved)) for a Committee to enquire into the Post Office.²

MR. MOFFATT said, that this motion was much wanted; there had been great mismanagement in the Post Office Department. The Government Messenger arrived in Montreal two days ago, and the mail from Boston did not arrive until this morning. It had frequently occurred that the mail from England arrived in Quebec on a Saturday, and was kept there until the Monday night, before it was forwarded to Montreal.³

MR. AYLWIN was glad to see this motion brought forward. He had moved for papers relative to the Post Office, with the intention of following it up by a Committee of Inquiry. The papers which had been sent down by His Excellency were ordered to be printed, but this had not, as yet, been done. He had looked in vain among these papers for a certain report, which he had once seen in the Secretary's office, relative to the Post Office, and which, he believed, contained charges against certain persons in that department, which gentlemen on the Treasury Benches were anxious to screen.⁴

MR. DALY said, that the document which had been named was the private property of the Clerk in whose hands Mr. Aylwin had seen it, and did not belong to the department.⁵

MR. MORIN said that some alteration in the Post Office was very necessary. That department ought to be under the control of the Provincial Government. At the present time, he was precluded from corresponding with his constituents, because there was no Post Office in the District. Formerly postmasters were allowed to frank, but lately that privilege had been taken away, and there being no remuneration given in lieu, the offices had been resigned.⁶

MR. GOWAN said, that the reason why the papers referred to by the hon. member for Quebec had not been printed, was because they had not yet issued from the Translator's office. With regard to the merits of the motion he would cordially support it. In the County of Leeds, the insufficiency of the Post Office had been severely felt.⁷

Maitland and
Becket.

(211)
Resolved, That the Petition of J. H. Maitland and
J. C. Becket, of the Canada Sunday School
Union, praying that measures be adopted to

establish a cheap and uniform rate of Postage, and all other Petitions presented to this House upon the subject of the Post Office, be referred to a Select Committee, composed of Mr. Hale, the Honourable Mr. Baldwin, the Honourable Mr. Robinson, the Honourable Mr. Aylwin, the Honourable Mr. Moffatt, the Honourable Mr. Morin, and Mr. Williams, to examine the contents thereof, and to report thereon, from time to time; with power to send for persons, papers, and records.

Post Office. Ordered, That the Message of His Excellency, the Governor General, presented to this House on the fourteenth instant, with the accompanying copies of correspondence upon the subject of the Post Office, be referred to the said Committee.

Ordered, That the Return to an Address of the seventeenth October, 1843, for various information connected with the Post Office Department in this Province, be also referred to the said Committee.

A Message from the Legislative Council by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

MR. SPEAKER,

The Legislative Council have passed the following Bills, without any amendment:--

Simcoe Church Lands. "An Act to enable the Trustees holding a certain lot in the town of Simcoe, for the use of a Church, to sell and convey the same or any portion thereof, and to appropriate the proceeds to a like use."

Clergymen voting at Elections. "An Act to indemnify Clergymen and others, who have voted at the late General Election, in ignorance of the Law."

Also,

LEGISLATIVE COUNCIL,
Wednesday, 29th January, 1845.

Reid and Shepherd. Ordered, That one of the Masters in Chancery do go down to the Legislative Assembly, and acquaint that House, that the Legislative Council do give leave to the Honourable James Morris to go to the Committee to which is referred the Petition of John Reid and Robert Shepherd, relating to their claim against the Commissioners of the St. Lawrence Canal, on Thursday next, at ten o'clock in the forenoon, to be examined on the subject of the said reference, if he thinks fit.

And then he withdrew.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, delivered to Mr. Speaker two Messages from His Excellency, the Governor General, signed by His Excellency.

And the said Messages were read by Mr. Speaker, all the Members of the House being uncovered, and are as followeth:--

C. T. METCALFE.

Outrages, Public Works.

The Governor General transmits, for the information of the Legislative Assembly, the accompanying Reports, and other papers connected with Outrages that have been committed in the vicinity of certain Public Works now in progress, and recommends to the consideration of the Assembly, the expediency of adopting some measure for the more effectual preservation and protection of the lives and property of Her Majesty's subjects.

GOVERNMENT HOUSE,
Montreal, 24th January, 1845.

(For the Documents accompanying the said Message, see Appendix Y.)

C. T. METCALFE.

Montreal Election.

The Governor General transmits for the information of the Legislative Assembly, with reference to their Address of the 22nd instant, the accompanying Copies of Communications that have passed between Her Majesty's Secretary of State and the Governor General, relating to the

(212)

recent election of Members to serve in this Parliament for the city of Montreal, and to the conduct of the Returning Officer at the said Election.

GOVERNMENT HOUSE,
Montreal, 24th January, 1845.

(COPY.)

No. 308.

DOWNING STREET,
16th November, 1844.

SIR,

I have to acknowledge the receipt of your Despatch, No. 162, of the 28th October, inclosing the copy of a Report from Captain Wetherall, Stipendiary Magistrate, detailing the proceedings which took place at the recent election of Members to represent the city of Montreal in the new Parliament.

You will signify to the Returning Officer, Mr. Young, and to Captain Wetherall, my approbation of the efforts so successfully made by them for the preservation of the peace of the City on that occasion.

I have, &c.

(Signed,)

STANLEY.

The Right Honourable
Sir Charles Metcalfe, Baronet,
&c. &c. &c.

(COPY.)

No. 162.

GOVERNMENT HOUSE,
Montreal, 28th October, 1844.

MY LORD,

I have the honour to submit for your Lordship's information, the copy of a Report from Captain Wetherall, Stipendiary Magistrate, detailing the proceedings that took place during the two days of polling for Members to represent the city of Montreal in the new Parliament.

I consider that the preservation of the peace, and of the lives and property of the inhabitants, is in no small degree to be attributed to the admirable arrangements of Mr. Young, the Returning Officer, and to the efficient services of Captain Wetherall, a most valuable public servant.

The polling proceeded throughout without interruption, notwithstanding the repeated attempts made to disturb it; and I feel that it will be as gratifying to your Lordship to learn, as it is to me to state, that no life has been sacrificed. Great credit is due to the troops employed, both officers and men, for their temperate and judicious conduct; and I am of opinion that, without their assistance, neither the peace of the City could have been maintained, nor the free exercise

of their franchise secured to the voters, in consequence of the inroads made by the labourers, nonvoters, who are congregated upon the Public Works in this vicinity.

I have, &c.

(Signed,)

C. T. METCALFE.

The Right Honourable Lord Stanley,
&c. &c. &c.

(COPY.)

LACHINE POLICE OFFICE,
26th October, 1844.

SIR,

I have the honour to state, for the information of the Governor General, that a few days previous to the nomination of Candidates to represent the City of Montreal, I was called on by the Returning Officer to assist him in making arrangements for the preservation of the Peace of that City.

I felt it my duty to comply with this request, and I beg now to report the occurrences which took place under my observation, as well as the general arrangements during the two days of polling.

The polling booths were fixed in the centre of streets, running at right angles with two great thoroughfares: strong barriers were erected at the polling booths, to prevent the collision of the contending parties, there being an understanding between the Candidates, made at the suggestion of the Returning Officer, that their respective voters should approach the polling booths at the opposite ends of the street.

At each booth two Magistrates, and a strong body of Special Constables, were posted, to assist the Deputy Returning Officer in maintaining peace.

In this order all the polls were opened.

I was occupied throughout the two days in continually visiting the several polling places, and in no instance except that hereinafter mentioned, did I perceive any difficulty whatever, to the free and peaceable access of voters to the polls.

Two days previous to the polling, information reached the Returning Officer that bodies of strangers were expected from the Gore of Chatham

and Quebec, to endeavour to carry the election by violence, and arrangements were made to prevent them, if possible, from entering the City.

I can confidently assert that no bodies of men came from the former place, as I had placed Police on the road, and at the landing places, to ascertain the fact. Two hundred men, however, apparently Irish labourers, arrived in Montreal in the Steamboat "Charlevoix" from Quebec, who were engaged, as I since have had reason to believe, to assist in the return of Mr. Drummond.

On the morning of the first day of polling an unusually large body of strangers, evidently Irish labourers, congregated in McGill Street, one of the largest thoroughfares, and flanking the streets leading to the polling booths in the Queen's Ward, one of the principal Wards in the City.

Amongst these people, I recognized a large number of labourers from the Lachine Canal, non-voters, and it was very evident, from their manner and local disposition, that they meditated an attack on the booth with a view of taking and keeping forcible possession of it, a plan which they had successfully practised at the last election for Montreal.

Shortly after the poll was opened an attack was made by these people on the voters of Mr. Moffatt, who had assembled near the poll at the Queen's Ward, in the street assigned to them; and the Deputy Returning Officer found it necessary to call in the Troops.

The riot was speedily repressed, and the Troops were retained in the vicinity of the poll, to allow free access to it, and prevent further rioting.

Polling continued throughout the day uninterruptedly.

On the close the Poll, on the first day, an attempt was again made by the labourers to create a disturbance, by attacking the voters of the opposite party, which was again checked.

The labourers finding their object defeated, returned to the Canal, and in passing through Griffintown, demolished the windows of a Wesleyan Chapel, besides committing various other depredations.

During the night, it was thought necessary to place detachments of Troops in different parts of the town, to protect the property of individuals of both parties, who had taken prominent parts in the election.

On the second day, the polling commenced at the usual hour, and continued without interruption.

(213)

Early on that day I received information from the Police, stationed on the line of Canal, that Agents for Mr. Drummond had proceeded along the line of Canal, stating to the labourers, (many of whom had returned to their work) among other inflammatory matter, that the "Tories" had burned the Recollect, (an Irish Roman Catholic Church,) and that their comrades had been abused, and were bleeding in the streets, and urging them to proceed to Montreal immediately.

A party, amounting to between three and four hundred, many of whom were armed, marched in military array with scouts and flankers, on Montreal, augmenting their numbers, as they proceeded; this body made their appearance at the foot of McGill street, and continued their march in the direction of the polling place, in the Queen's Ward, and refusing, on the command of the Magistrates to halt, the Riot Act was read, and the Cavalry directed to disperse the crowd, and assist the Civil Power in the capture of as many as possible: thirty men were arrested and committed to Jail.

Although I believe that the several Deputy Returning Officers found it necessary to require the presence of Troops in the vicinity of their respective polling places, yet they were not called upon to act offensively, except in this instance, and then, I am happy to say, without any loss of life or serious injuries being inflicted.

The same Military protection of property was afforded during the night, on the requisition of the Returning Officer, and was continued until the final close of the election, and the city now remains in a state of apparent tranquility.

There can be no doubt that riot and bloodshed to a frightful extent, would have ensued, and the election could not have been proceeded in, but for the admirable and humane arrangements of the Returning Officer, and the timely and temperate interference of the Troops.

In proof of the necessity for Military assistance in this contest, I would remark, that Mr. Drummond spoke to me a few days previous to the election, on the propriety of commencing polling under Military protection, a measure to which the Returning Officer would not consent until all ordinary means had failed, and in no case was Military aid resorted to until then.

In conclusion, I would remark, that every effort and arrangement was made by Mr. Young, the Returning Officer, to ensure the preservation of order, and the free access of voters to the Polls, which he succeeded in effecting without the loss of a single life, under peculiar circumstances, and a want of co-operation from the Municipal authorities, which rendered his duty most arduous, and which, I have no doubt, he will find it necessary to bring to the notice of the Governor General.

I have, &c.,

(Signed,)

C. WETHERALL, J. P.
Stipendiary Magistrate
in charge of Public Works.

Hon. D. DALY,
Provincial Secretary,
Montreal.

Ordered, That two hundred and fifty copies of the foregoing Messages, and of the documents accompanying the same, be printed in each of the English and French languages, for the use of the Members of this House.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor General,

Post Office. Return to an Address of the Legislative Assembly to His Excellency, the Governor General, praying that His Excellency would be pleased to cause to be laid before the House, copies of the last four quarterly returns, made by the Deputy Post Master General in England, or a detailed statement, shewing the Receipts and Expenditures of the Post Office Department in this Province, for the same period.

(For the Documents accompanying the said Return, see Appendix I.)

Also,

Quebec Roads. Return to an Address of the Legislative Assembly to His Excellency, the Governor General, praying that His Excellency would be pleased to cause to be laid before the House, as soon as possible, detailed Accounts of all moneys received and expended by the Trustees of the Quebec Turnpike roads, under the authority of the Ordinance to provide for the improvement of the Roads in the neighbourhood of and leading to the city of Quebec, and to raise a fund for that purpose; and also detailed reports of all the doings of the said Trustees under the said authority, from and since the date of the Reports and Accounts laid, on that subject, before the House, in the last Session of the last Parliament.

(For the documents accompanying the said Return, see Appendix X.)

Le Petit Sé-
minaire de Ste.
Thérèse.

The Honourable Mr. Morin, from the Standing Committee on Private Bills, to which was referred the Bill to incorporate Le Petit Séminaire de

Ste. Thérèse de Blainville, in the district of Montreal, presented to the House the Seventh Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee have examined the Bill to incorporate Le Petit Séminaire de Ste. Thérèse de Blainville, in the District of Montreal, and have agreed to recommend the following amendments thereto:--

Page 1, line 4.--Expunge "Rector," and insert "Curé."

" 1, " 19.--After "be," insert "in the possession of the present proprietor thereof."

" 1, " 34.--After "1stly," expunge to "2dly," and insert "The Roman Catholic Bishop of Montreal."

" 1 " 39.--After "3dly," expunge to "And" in page two, line nine, and insert "of the Curé of the said Parish of Ste. Thérèse de Blainville; 4thly, of all Members who may be regularly admitted (aggrégés) into the said Corporation, provided the number should not exceed thirty."

After the first Clause, insert Clause A:--Provided always, and be it enacted, That all the property which shall at any time belong to the said Corporation, as well as the Revenue thereof, shall at all times be exclusively applied and appropriated to the advancement of Education in the said Petit Séminaire, and to no other object, institution or establishment, whatsoever."

Ordered, That the said Bill be committed to a Committee of the whole House, to-morrow.

Port Stanley
Harbour dues.

Mr. Ermatinger, from the Select Committee to which was referred the Petition of H. B. Bostwick, of the village of Port Stanley, in the district of London; and the Petition of A. M'Kinnon, and William F. Wallace, on behalf of the inhabitants of Bayham and the adjoining townships, in the district of London, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee have examined the contents of the Petition of Henry R. Bostwick, and are of opinion that the Harbour Tolls, leviable at Port Stanley, are immoderately high; and beg leave to recommend that they be reduced to the following scale:--

(214)

s. d.

Ashes @ barrel	0	6
Pork and Beef, do	0	4
Flour, do	0	3
Wheat, and other Grain, @ 60 lb	0	0 $\frac{1}{2}$
Salt, @ barrel	0	2 $\frac{1}{2}$
Merchandize, @ ton	3	4
Boats, Vessels, or other Craft, fifty tons or under, for each trip	2	6
Do. do. 50 to 100	5	0
Do. do 100 tons and upwards	7	6

Your Committee further beg leave to state, that in their opinion it is advisable to equalize the Tolls to be collected as Harbour dues, at the different Ports in Canada West.

In reference to the Petition of Neil M'Kinnon and W. F. Wallace, in behalf of the inhabitants of Bayham and the adjoining Townships in the London District, soliciting that the attention of the Government may be directed towards the completion of the Harbour at the mouth of Big Otter Creek, commonly known as Port Burwell, your Committee beg leave to recommend the prayer of the Petitioner to the favourable consideration of Your Honourable House.

Beverly Navigation Com-
pany.

Mr. Gowan, from the Select Committee to which was referred the Petition of Ephraim Webster and others, inhabitants of Gananoque, Leeds, and Landsdown; and the Petition of Edward Webster and others, of Leeds and other townships, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee have examined the said Petition, and have agreed to an Address to His Excellency, the Governor General, which they respectfully recommend for the concurrence of Your Honourable House:--

To His Excellency the Right Honourable Sir CHARLES THEOPHILUS METCALFE, Baronet, Knight Grand Cross of the Most Honourable Order of the Bath, one of Her Majesty's Most Honourable Privy Council, Governor General of British North America, and Captain General and Governor in Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice Admiral of the same, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY:

Gananoque and
Wiltsie Navi-
gation Com-
pany.

We, Her Majesty's dutiful and loyal subjects, the Commons of Canada, in Provincial Parliament assembled, humbly beg leave to represent to Your Excellency that in the year 1837, an Act was passed in the Parliament of the then Province of Upper Canada, intituled, "An Act to incorporate sundry persons under the style and title of The Beverly Navigation Company;" and again, in the year 1836, another Act was passed by the Legislature of the said Province, intituled, "An Act to incorporate sundry persons under the style and title of The Gananoque and Wiltsie Navigation Company." That the object and tendency of those Acts go to prove the great importance attached by the Legislature of Upper Canada to the improvement of the internal water communication of the Johnstown District, by means of the Gananoque and Whitefish waters.

That owing to the unfortunate disturbances which subsequently occurred, and to the unsettled state of the public affairs of the Province consequent upon the Legislative Union, the intentions of the Upper Canada Parliament were not then carried out, and the contemplated works of improvement have not since been entered upon.

That a Board of Works being now established, under the direct authority of the Executive Government, for the superintendence and management of all public works within the Province, we respectfully pray your Excellency that a survey and examination of the proposed route may be made by a competent Engineer, under the direction of the said Board, to the end, that if upon due enquiry and examination, the proposed improvement be found beneficial and necessary, it may be undertaken by the Province and completed as a public work.

District Courts
Upper Canada.

Ordered, That the Bill to amend, consolidate and reduce into one Act, the several laws now in force, establishing or regulating the practice of District Courts in the several Districts of that part of this Province formerly Upper Canada, be read a second time on Monday next.

Savings Banks.

Ordered, That Mr. Boulton have leave to bring in a Bill to amend the Act therein mentioned for the establishment and encouragement of "Savings Banks."

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on this day week.

Montreal Col-
lege of Medicine
and Surgery.

Ordered, That the Bill to incorporate the Montreal College of Medicine and Surgery, be read a second time this day week, and that it be then the first Order of the Day.

Bank
Statements.

Resolved, That all the statements furnished by the Chartered Banks and Insurance offices of this Province, pursuant to the order of this House of the tenth instant, be referred to a Special Committee of seven Members, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered, That Mr. Thompson, the Honourable Mr. Moffatt, Mr. Seymour, Mr. Leslie, Mr. Webster, the Honourable Mr. Laterrière and Mr. DeWitt, do compose the said Committee.

North Riding
Lincoln
Election.

Ordered, That one hundred and twenty five copies of the proceedings of the Select Committee appointed to try the merits of the Petition of Samuel Wood and others, electors of the North Riding of the county of Lincoln, district of Niagara complaining of the undue election and return of William Hamilton Merritt, Esquire, as a Member to represent the said North Riding of the county of Lincoln, in this present Parliament, be printed in each of the English and French languages, for the use of the Members of this House.

Humber Harbour
and Road Company.

Ordered, That the Bill to incorporate certain persons under the name and style of the President, Directors, and Company of the Humber Harbour and Road Company, be read a second time on Monday next.

Geological
Survey.

Ordered, That five hundred copies of the Geological Surveys and Report by Mr. Logan, as transmitted to this House on the twenty-seventh instant, by Message of His Excellency, the Governor General, be printed in pamphlet form with marginal notes, in each of the English and French languages, for the use of the Members of this House.

Post Office
Department.

Ordered, That the Return to the Address of this House of the thirteenth instant, for quarterly statements of the receipts and expenditure of the Post Office Department in this Province, be referred to the Select Committee to which was referred the Petition of J. H. Maitland and J. C. Becket, of the Canada Sunday School Union, praying that measures be adopted to establish a cheap and uniform rate of postage.

Civil and
Political
Rights.

Ordered, That the Order of the Day for the House in Committee on the Report of the Select Committee, to which was referred the Bill to revive and continue for a limited time, part of the fourth clause of an Act passed in the fourth and fifth years of the reign of Her Majesty, Queen Victoria, intituled, "An Act to secure to and confer upon certain Inhabitants of this Province the Civil and Political Rights

(215)

of natural born British Subjects," be postponed until Monday next.

Stormont
Election.

Ordered, That the Select Committee appointed to try the merits of the Petition of Alexander M'Lean, Esquire, and others, electors of the county of Stormont, complaining of the undue election and return of Donald Aeneas Macdonell, Esquire, to represent the said county of Stormont, in this present Parliament, have leave to stand adjourned until Thursday, the sixth of February next, to enable the Sitting Member to procure the attendance of witnesses.

On motion of Mr. Sherwood, of Brockville, seconded by Mr. Jessup,

District
Officers' Fees.

Ordered, That the Order of the Day for the second reading of the Bill to regulate the fees of certain district officers in that part of this Province called Upper Canada, be discharged, and that leave be granted to withdraw the said Bill.

On motion of the Honourable Mr. Moffatt, seconded by Mr. Duggan,

Report on
Private Bills.

Ordered, That the Fifth Report of the Standing Committee on Private Bills, to which was referred the Bill to incorporate the Canada Baptist Missionary Society, be now taken into consideration.

The House proceeded accordingly to take the said Bill and Report into consideration.

And the said Bill being again read, and the question of concurrence being separately put upon the amendments made by the Committee to the same, they were agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

Fees of Office
to be Funded.

The Order of the Day for the second reading of the Bill to reduce, in accordance with the circumstances of the Province, certain salaries not on the Civil List thereof, and to fund fees of office, allowing the incumbents fixed salaries in lieu, being read,

Mr. Christie moved, seconded by Mr. Thompson, that the said Bill be now read a second time.⁸

MR. ATTORNEY GENERAL ((J.)) SMITH had great objections to this Bill; it provided for the reduction of all salaries not paid out of the Civil List according to a certain scale. The officers whose salaries

were to be reduced were not specified, but the Bill was general in its application. The incumbents of office were not consulted in the matter; it had not been considered necessary to enquire whether some of the salaries to be reduced were not imposed under some particular statute which would need to be repealed.⁹

MR. CHRISTIE was somewhat surprised to hear the arguments of the hon. gentleman; was he not aware that many public officers were overpaid; how could he then oppose this Bill, because they were not specifically mentioned. He thought it perfectly competent to the House to make a reduction of salaries, in the way he proposed. The bill provided in the first place for the reduction of salaries, in the second for abolishing pluralities, in the third it provided for substituting fixed salaries for fees, and for the collection of the fees of office, and finally it provided for the funding of those fees to be applied to the uses of the Province.¹⁰

MR. ((HENRY)) SMITH, of Frontenac, was in favor of that portion of the Bill which related to plurality of office. But he could not comply with the first clause; it was notorious that as many officers were underpaid, as there were others overpaid, and it was not fair that they should suffer alike, and their salaries now small, be made too little for them to live upon. The persons to whom this bill was intended to apply ought to have been specified; it was absurd to attempt by one fell swoop to reduce the salary of every public officer in the county, without first enquiring whether he was indeed overpaid.¹¹

MR. MOFFATT considered that the proper course had not been pursued with regard to this Bill; it should have originated in a Committee of the whole. If it had been deemed expedient to reduce the salaries of public officers, the Bill might have been introduced upon a resolution to that effect. But now, a Bill was introduced without enquiring whether it was necessary or expedient with regard to the efficiency of the public service; and that too in the most improper and unfair manner, the reduction was to be effected without relation to the value or the nature of the services of a public officer, but according to a scale.¹²

MR. GOWAN agreed with the hon. member for Montreal in the opinion he had expressed regarding this Bill. But he had another objection to receiving it, it appeared to him to be a law which levied a tax, for it provided for taking a certain amount from the salary of every public officer, to be paid into the provincial treasury.¹³

The Speaker ((SIR ALLAN MACNAB)) said, that he did not consider the Bill as one levying a tax.¹⁴

MR. GOWAN, with all respect for the opinion of the Speaker, could not look upon it in any other light. He thought the clause for doing away with plurality of office an admirable one, and would support it.

He was also in favor of that which provided for all officers who are now paid by fees, having a fixed annual salary. He hoped that the hon. member would strike out the first clause, and he would then vote for the Bill.¹⁵

(215)

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Armstrong, Aylwin, Baldwin, Berthelot, Bertrand, Cauchon, Chauveau, Christie, Cummings, DeBleury, DeWitt, Guillet, Lacoste, LaFontaine, Laterrière, Laurin, LeMoine, Leslie, Macdonald of GLENGARRY, Macdonell of STORMONT, Méthot, Morin, Murney, Powell, Price, Roblin, Rousseau, Seymour, Small, Smith of WENTWORTH, Taché, Taschereau, Thompson, Watts and Williams.--(35.)

NAYS.

Boulton, Brooks, Chalmers, Duggan, Ermatinger, Foster, Gowan, Greive, Hale, Hall, Lawrason, Macdonald of CORNWALL, Macdonald of KINGSTON, M'Connell, Meyers, Moffatt, Petrie, Robinson, Sherwood of BROCKVILLE, Smith of FRONTENAC, Attorney General Smith, Stewart of BYTOWN, and Webster.(23.)

So it was carried in the affirmative.

MR. BALDWIN made some observations calling on the Ministry to resign after such a defeat¹⁶.

(215)

The said Bill was accordingly read, and referred to a Special Committee of seven Members, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered, That Mr. Christie, the Honourable Mr. Attorney General Smith, Mr. Smith of Frontenac, the Honourable Mr. Laterrière, Mr. Duggan, Mr. Price and Mr. Leslie, do compose the said Committee.

Ordered, That it be an instruction to the said Committee to expunge the first clause of the said Bill.

Clerks of Com-
mission Courts.

The Order of the Day for the second reading of the Bill relating to Clerks of the Commissioners' Courts for the trial of Small Causes in Lower Canada, and to prevent their arbitrary dismissal, being read,

*The said Bill was accordingly read,*¹⁷

MR. ATTORNEY GENERAL ((J.)) SMITH was sorry to differ again from the hon. member for Gaspé, but with every respect for the Prerogative of the Crown, he could not support a Bill which took from the Commissioners of small debts the power of discharging their clerks, without the decision of the Governor and Council. He was not ambitious to have the extraordinary power of interference in all the petty squabbles in the land, added to the already onerous duties of the Executive.-- (Laughter).--It had already quite enough to do, without being burdened with this onerous and important duty which was not worth consideration.¹⁸

MR. BALDWIN was quite sure it must hurt the kind feelings of the Attorney General to oppose any measure of the hon. member for Gaspé, who was so anxious to shower honours upon him to prevent disappointment leading to such a grievous calamity as his resignation, after the defeat he had just experienced--(Laughter.) The hon. Attorney General had not treated his advances with that gracious consideration he expected.¹⁹

(215)

and committed to a Committee of the whole House.

Mr. Smith, of Frontenac, took the chair of the Committee,

MR. WATTS moved that the Committee should rise.²⁰

DR. DUNLOP objected to the Bill; it was absurd to burden the Government with the appointment and dismissal of Clerks, Criers and Bailiffs in this "sixpenny chancery," as the Commissioners Courts were called. The Commissioners gave their services gratuitously, and it was but right that their Clerk should hold office at their option. There had been no Petition before the House praying for an alteration, and he thought it not only uncalled for, but that it would tend to destroy the Courts altogether, by making the Clerk independent of his masters.²¹

MR. CHRISTIE-- ... acknowledged that his only object in introducing it was because some friend of his in Rimouski, was afraid of losing his situation²².

((There was)) ... a long discussion²³.

(215)

and after some time spent therein,

Mr. Speaker resumed the chair.

Municipal
authorities,
Gaspé.

*The Order of the Day for the second reading of the Bill, to exempt the district of Gaspé from the operation of an Ordinance of the Governor, and Special Council of the late Province of Lower Canada, intituled, "an Ordinance to provide for the better internal Government of this Province, by the establishment of local or municipal authorities therein," being read,*²⁴

MR. ATTORNEY GENERAL ((J.)) SMITH hoped the hon. gentleman would postpone the measure until to-morrow, when the hon. Mr. Papineau, who had prepared a similar Bill would be in his place.²⁵

MR. CHRISTIE said, he had put off this Bill from time to time, in expectation of Ministers being prepared with some measure, but the House had now been two months in Session, and there was no appearance of that or any other measure. He was determined to wait no longer upon their convenience.²⁶

MR. PRICE said, that of all the important subjects of legislation which had been mentioned in the Speech from the Throne, the Ministry had not as yet presented one to the House. He hoped they would take this hint and be more upon the alert, or perhaps the gentlemen who acted with them would give them one which could not be misunderstood.²⁷

MR. HALL said "he hoped the Hon. Member for Gaspé (Mr Christie) would not longer defer his measure; he was there a perfectly independent member ready to support the Ministry when right but equally determined to oppose them when wrong. It was his duty to tell those Hon. Gentlemen that the Country was dissatisfied with their conduct"²⁸.

Cheers from the opposition²⁹.

Cheers from ... MR. ((GEORGE)) MACDONELL of Dundas³⁰.

((MR. HALL resumed:)) "He was dissatisfied with it. This was now the third month since the meeting of Parliament, and where he asked were the government measures? They either had measures to bring in or they had not. If they intended to introduce any it was high time that they should be before the House, and on the other hand if they had nothing to propose the sooner Hon. Members were allowed to retire to their homes the better."³¹ He came there to do business; he had been there a long time and wanted to return home, but he was ashamed to do so, for there had been no business done.³²

Cheers from the opposition.³³

MR. JOHNSTON said, that those gentlemen who made such an outcry against the government, and pretended to be its friends, were in reality

its enemies, and sought only to overthrow it. He saw in these complaints the shadow of what was coming; he expected in a few days an attempt at a vote of want of confidence, then hon. gentlemen on the other side would find they could not carry five votes with them. The country did not want them back again, it had seen quite enough of their rail-road legislation--their pouring forth of measures only calculated to ruin it.--(Cheers).³⁴

(215)

The said Bill was accordingly read, and committed to a Committee of the whole House to-morrow.

Chambly Cotton Manufactory.

The Order of the Day for the second reading of the Bill, to incorporate the Chambly Cotton Manufacturing Company, being read,

The said Bill was accordingly read, and referred to the Standing Committee on Private Bills.

District Councils U. C.

The Order of the Day for the House in Committee on the Bill to empower the District Councils in Upper Canada, to impose a Tax on dogs, and to regulate Temperance Houses within their respective Districts, being read,

Tax on Dogs.

The House accordingly resolved itself into the said Committee.

Mr. Johnston took the chair of the Committee,³⁵

MR. ((GEORGE)) MACDONELL, of Dundas, opposed the Bill, and moved that the Committee should rise.³⁶

COL. PRINCE was in favor of the Bill, he thought that dogs should be taxed for the country was overrun with them, and they did more damage than wolves had formerly done. He was also in favor of taxing Temperance Houses, for no sooner had a Licensed Tavern Keeper opened his house, and laid in a stock of good cognac and whiskey, which he contended a man could not live without in this country, than along came a temperance man, opened a house opposite to him, with a few barrels of beef and pork, and the run of a pump, and took away the tavern keeper's profits. For his own part he had no great opinion of Temperance people, he had always found them the greatest gluttons in the world, for they would think nothing of bolting five pounds of beef, where another man would not take as many ounces. The Temperance House was in point of fact a Tavern, and he did not see why a man who practised temperance with a long face, and said his grace over a cup of cold water, should be exempted from the taxation which the other who furnished the traveller with a horn of good stuff paid; the more particularly as in these Temperance Houses, in spite of all their protestations, there was

generally a sly bottle to be found in the cupboard.³⁷

DR. DUNLOP objected to the coupling of the two things together which were found in this Bill--he was a friend to dogs, but he was no friend to temperance houses--(Laughter.) He had been surprised to hear a farmer say that there was no use in taxing dogs--why there were ten times more dogs kept than there was any use for, and which were left to forage for themselves. Had that honorable gentleman never heard of mad dogs, and the great mischief which had been done by them? He had known a farmer's whole stock to have been bitten. Had that hon. gentleman never heard of hydrophobia in the human subject? callous and hardened as he confessed his profession had made him to human suffering, yet he had been horror-stricken at the sight of that appalling, that terrible calamity. This mischief was not occasioned by the dogs of the farmers, but the nasty, dirty, half-starved curs of the village, which had no care taken of them, but were left without food or water to spread the horrors of hydrophobia through the country.--He had known an instance of a farmer having had fourteen horses and cows destroyed in this manner. As for Temperance Houses he thought they ought to be subject to the same regulations as Taverns, for they sold the meat, if they did not the drink. The hon. member for Prince Edward had quoted a sign from Hogarth as being one now exhibited in London, to the effect that a man might get drunk for a penny, dead drunk for two-pence, and straw for nothing. But he would assure that gentleman that whatever might have been the case in the time of George 2nd, a man could not now get drunk so cheap, and as for straw for nothing, there was no such luxurious accommodation provided. (Shouts of Laughter). Drinking depended entirely upon the wish of the individual, there was no law to compel him, he might go without if he chose, therefore the Tavern Keeper could not be blamed if he got drunk. A man might take one horn, and be like one of the supporters to Her Majesty's Army, an Unicorn, if he chose; or he might be a many horns, like the beast in the Revelations, which had ten horns; but there was no compulsion for him to take horns at all unless he was a married man, when they follow as a matter of course. (Loud Laughter.) If it was necessary for safety to tax dogs, a fortiori it was necessary to tax Temperance Houses.³⁸

MR. ((J. S.)) MACDONALD, of Glengary (sic), was averse to the taxation of dogs; he could not say how it might be in other parts, but the dogs of Glengary (sic) were a most intelligent race of animals³⁹ .

A cry of "you are a specimen," and Laughter.⁴⁰

((MR. J. S. MACDONALD continued:)) He thought it impolitic to tax Temperance Houses.⁴¹

MR. ROBLIN replied at some length to Messrs. Prince and Dunlop⁴² . ((He)) exposed the evils of drunkenness and urged the House not to interfere with those houses.⁴³

MR. DICKSON, of Niagara ... ((explained)) the real object of the petition of the Niagara District Council. He said that the proposition had emanated from a temperance man who had been much annoyed at being unable to get accommodation at places professedly kept as houses of entertainment. The only object was to compel such persons to have accommodation for travellers⁴⁴.

(215)

and after sometime spent therein,

Mr. Speaker resumed the chair,

And Mr. Johnston reported that the Committee had made some progress, and had directed him to move for leave to sit again,

Ordered, That the said Committee have leave to sit again to-morrow.

On motion of Mr. Macdonald, of Kingston, seconded by Mr. Méthot.

Stormont con-
tested Election.

Resolved, That the Sitting Member for the county of Stormont, have leave to add the following names to the list of witnesses, put in by him at the striking of the Committee, to try the contested Election for the said county of Stormont.

John Whittaker, of the township of Williamsburg, yeoman,
Joseph Suthers, of the same place, innkeeper, and
John Sandfield Macdonald, Esquire, Member for Glengarry.

Attachment of
Salaries.

The Order of the Day for the House in Committee on the Bill to authorize to a certain extent, the seizure and attachment of official salaries towards payment of the incumbents' debts, being read,

The House accordingly resolved itself into the said Committee.

(216)

Mr. Meyers took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Meyers reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

Then, the House adjourned.

((WITHDRAWN MOTION RE: QUEBEC DEBATING SOCIETY.))⁴⁵

M. CAUCHON ... ((a)) fait motion, suivant avis donné préalablement,⁴⁶ to refer to a select committee a petition from the Quebec "Société de discussion" praying legislative assistance.⁴⁷

MR. ATTORNEY GENERAL ((J.)) SMITH opposed the reference. This petition was one praying for aid and the sum asked for was only £100, but he thought that the members of this Society, 300 in number, were fully able to subscribe it themselves. The members were men of property and not entitled to a grant from the Government.⁴⁸ Il dit ... que si elle ((la société)) n'était pas assez riche, malgré le grand nombre de membres qui la composent pour se donner à elle-même des garanties d'existence, elle devait être fort peu respectable, et mériter fort peu l'attention du gouvernement. Il parla aussi ... de l'utilité et du mérite d'une semblable institution; et finit par dire que le gouvernement ne pouvait recommander un vote d'argent pour cet objet.⁴⁹

MR. PRICE was opposed to the motion, if a grant were made in this case, all the Debating Clubs in the country would also expect aid.⁵⁰

M. CAUCHON répliqua, en résumé, comme suit:--La "Société de Discussion de Québec" n'est pas seulement un "debating (sic) club" comme voudrait le faire croire l'hon. procureur-général. Cette institution a encore pour objet d'instruire, par des lectures publique (sic), toutes les classes de la société, et particulièrement d'enseigner les sciences pratiques à la classe industrielle. C'est avec chagrin que je vois le peu de disposition du ministère actuelle à favoriser des institutions de cette nature. C'est de semblables institutions en Angleterre et en France, que sont sortis plusieurs des hommes les plus éminents de l'un et de l'autre pays, hommes qui, quoique appartenant aux classes ouvrières, ont élevé et développé leur esprit par la discussion et par l'étude. Dans les anciens pays, de pareilles institutions peuvent exister par elles-mêmes; dans un jeune pays comme le nôtre elles ont besoin d'un appui, d'une main secourable qui leur donne le coup de départ. C'est au moyen de ces sociétés que se répand le goût de l'éducation dans le pays, c'est au moyen de ces sociétés que la génération qui passe comprend la nécessité de s'instruire et de faire instruire avec elle la génération qui presse le seuil de la vie. C'est parce que je veux élever mon pays au niveau des pays de l'ancien monde et le placer au niveau de la civilisation qui inonde l'Europe, que je veux, par tous les moyens possibles, immiscer l'instruction dans toutes les fissures de notre ordre social. On nous a traités d'ignorants: on n'a cessé de répéter cette insulte faite à nos compatriotes. Aujourd'hui je veux donner un démenti à cette accusation et je rencontre un obstacle insurmontable de la part de ceux qui devraient m'aider (très bien!).

L'honorable procureur-général n'avait pas besoin d'accabler la société de discussion (sic) du poids de son sublime dédain. Cent louis pour lui sont bien peu de chose, lui qui reçoit de 13 à 1500 louis pour avoir l'honneur de s'asseoir sur la banquette ministérielle mais c'est beaucoup pour une société naissante qui ne se soutient que par les efforts de la jeunesse et des classes industrielles. Elle est nombreuse, mais elle n'est pas riche; et c'est parce qu'elle est pauvre et qu'elle devient de plus en plus nombreuse que je demande une modique somme d'argent pour lui procurer un local.⁵¹

M. CHAUVEAU.--Je ne suis pas surpris, M. l'orateur, du sort qu'éprouve la mesure de l'hon. membre pour Montmorency. J'aurais été très mécontent contre le ministère s'il eût encouragé sa demande⁵².

Ecoutez! écoutez à droite.⁵³

((M. CHAUVEAU a continué:)) J'avais moi-même une demande semblable pour une autre société, "la société Canadienne d'études scientifiques et littéraires," et j'ai eu la satisfaction de voir une lettre de M. le secrétaire provincial m'informant qu'il est temps d'arrêter de pareils abus, qu'il est temps que des institutions semblables s'encouragent par elles-mêmes. Les jeunes gens et les ouvriers qui en grande partie composent ces deux sociétés ont eu des torts très graves en effet. Lorsqu'ils ont entendu le représentant de Sa Majesté vanter l'état prospère de nos finances, ils ont cru d'abord qu'il disait vrai; ils ont pensé en outre que s'il y avait tant d'argent à donner, des institutions établies dans le but de répandre les connaissances utiles parmi les classes ouvrières de la population française, auraient peut-être la chance d'obtenir quelque secours.

Ils se sont trompés, M. l'orateur, ils se sont grandement trompés; les fonds publics ont une destination beaucoup plus noble que celle là (très bien! très bien!) Il n'y a pas trop de tous les milliers de louis dont on a parlé (s'ils existent ailleurs que sur le papier, et la mauvaise humeur que montrent nos ministres, chaque fois qu'on leur parle d'argent, pourrait nous le faire soupçonner); il n'y en a pas trop pour remplir les magnifiques promesses qu'on a faites dans des vues de corruption locale; (très bien!) il n'y en a pas trop, M. l'orateur, pour le chemin de fer des Hon. messieurs qui représentent les townships de l'Est, il n'y en a pas trop pour le plank road de l'hon. membre pour Kingston; il n'y en a pas trop pour tous les plank roads que nous connaissons et que nous ne connaissons pas; il n'y en aura peut-être même pas assez pour remplir tous ces engagements, et pour conserver cette faible et ridicule majorité d'une voix dont on se targue si fort, (rire et applaudissements). Et puis dans une telle détresse venir parler d'argent pour de jeunes institutions canadiennes! Mais c'est presque une insolence! Ce n'est pas, M. l'orateur, la première demande de ce genre qui est repoussée depuis le commencement de la session. Vous vous rappelez sans doute la demande de M. Evans. Il s'était imaginé de

son côté que la caisse publique qui est si riche aurait peut-être le moyen de répandre parmi nos habitans un bon journal d'agriculture (sic). Eh bien! vous n'avez pas oublié l'argument victorieux de M. le procureur-général dans cette occasion. Il nous a dit qu'à raison du peu d'instruction des cultivateurs du Bas-Canada la publication de M. Evans leur serait inutile; c'est-à-dire: vous êtes trop ignorans ... pour qu'on vous instruisse! Sa logique n'a pas changé: aujourd'hui il parle avec dédain d'une société nombreuse qui est trop pauvre pour se soutenir elle-même, et il dit: vous êtes trop pauvres ... pour qu'on vous donne de l'argent! (rires prolongés.) Il y a cependant des institutions très riches qui ne rougissent certes pas de demander des secours à la législature. Il y a la société littéraire de Québec, la société d'histoire naturelle de Montréal ... mais j'espère que cette année les membres de ces sociétés s'ils tiennent à l'estime de M. le procureur-général se piqueront d'honneur, et refuseront tout secours.

Si au lieu de traiter si dédaigneusement la société dont il s'agit, M. le procureur général effrayé de voir augmenter le nombre des institutions qui comptent sur le trésor public, proposait quelque plan d'économie et de justice pour toutes; s'il proposait de réunir dans chaque ville ces sociétés autour d'un centre commun, pour diminuer les frais de gestion de chacune d'elles; s'il proposait de fonder ensemble leurs bibliothèques et leurs musées pour les rendre plus considérables; s'il déclarait que jusqu'à ce que ces sociétés se soient prêtées à quelque chose de semblable elles ne peuvent attendre de secours du gouvernement, je m'en réjouirais tout le premier. Mais je crois que c'est la dernière chose à laquelle songe la présente administration. Certaines sociétés privilégiées recevront leurs subsides annuels parce qu'elles sont riches et les autres en seront quittes pour les gracieusetés de M. le procureur-général.

L'honorable membre pour Montmorency n'a pas tort lorsqu'il dit que l'on aime à pouvoir lancer contre la masse du peuple des accusations d'ignorance. Pourquoi n'agit-on pas envers les Canadiens-Français comme envers leurs mandataires. Dès l'ouverture de la session on nous a dit que nous ne comprenions pas le gouvernement responsable, mais on s'est empressé de nous instruire. Nous avons eu des leçons pour tous les goûts. (Ecoutez! Ecoutez!) Nous avons eu des lectures de M. le procureur-général sur la constitution écrite d'Angleterre (bruyans éclats de rire); nous avons eu la lecture de l'hon. commissaire des terres qui trouve que la responsabilité doit différer ici d'avec ce qu'elle est en Angleterre (rires et applaudissemens,); nous avons eu encore de M. le solliciteur général une autre lecture beaucoup plus libérale et qui à elle seule valait les deux autres; il n'y a que l'hon. membre pour Mégantic, qui ne donne pas de lecture du tout (rire des deux côtés de la chambre); mais en revanche il écrit de jolies lettres comme celle que j'ai reçue.

Un autre exemple. Nous Canadiens-Français nous étions censés ignorer la pratique de la Chambre d'Assemblée du Bas-Canada au sujet des élections contestées. Mais n'avons-nous pas été éclairés là dessus

par l'honorable membre pour Leeds, et la chambre endoctrinée par lui, c'est à dire, la majorité composée presque exclusivement de membres du Haut-Canada; n'a-t-elle pas décrété solennellement qu'elle avait été notre manière d'agir à nous. (Ecoutez! Ecoutez!)

Voilà ce qui s'appelle instruire les gens. Il n'y a que le peuple qu'on ne veut pas instruire. Je dis que pour lui faire oublier cette partialité, le cabinet aura besoin d'introduire bien promptement une bonne loi d'éducation élémentaire. Autrement ce ministère qu'on ne sait comment appeler parce qu'il se compose d'élémens de toutes sortes, cette chose sans nom qui nous gouverne, sera baptisée une bonne fois, et le peuple l'appellera "l'administration des éteignoirs."⁵⁴

MR. AYLWIN said, that the Society was not exclusively a Debating Society, but was more of a Mechanics' Institute, intended for the instruction of the lower classes. He thought the Government ought to have made some small grant to it, the more particularly as a grant had been made to the Historical Society of Quebec and Mechanics' Institutes in other places. However as it was opposed he advised his hon. friend to withdraw it.⁵⁵

MR. ATTORNEY GENERAL ((J.)) SMITH said, that if he had entertained any doubts of the nature of the Society the oratorical display of the gentlemen opposite, two of its most distinguished members and ornaments, would have removed them--(Cheers). It was not to such societies that the funds of the country were to be devoted.--(Cheers.) They taught a higher branch of education than primary schools and should support themselves. The hon. gentleman had indulged in a taunt, and thought proper to ridicule that portion of the Speech from the Throne which spoke of the prosperous state of the Revenue. Such conduct might be consistent with the grace of oratory as taught in the Quebec Debating Club, but it deserved no other praise, and its authors would gain little credit by it--(Cheers.) If the Government was sparing of its means, it was because the Province had a heavy debt.--(Cheers). The hon. member for the County of Quebec had made use of a remark which he doubtless thought would tell wonderfully against Ministers--he had said that it required all its means to keep together the petty majority,--he would tell that gentleman that numerically small as that majority was, it needed no bribe to enable it to carry on the business of the country.--(Cheers.) It had been at least large enough to carry the existence of Ministers beyond the ten days which had been assigned to it, by gentlemen opposite as the term of its existence.--(Cheers.) It had a strength greater than that of numbers, which were not always a safeguard, as hon. gentlemen opposite could say.--(Cheers.)⁵⁶

M. LE PROCUREUR GENERAL ((J. SMITH)) s'étend ensuite sur l'allusion faite par M. Chauveau à la majorité de la chambre. Il convient que la majorité n'est pas forte numériquement; mais il y a aussi une majorité de talens et de lumières. Cette majorité est de son côté et c'est elle qui doit gouverner.⁵⁷

MR. JOHNSTON said, he was surprised to hear hon. members opposite continually bringing forward motions which they were well aware could not be acceded to, for the mere purpose of embarrassing the Government. He was surprised that such a beggarly prayer as this should be preferred by any Society. He contended that a debating society was the very last association that was entitled to aid. It was a mere political society, established for the purpose of creating sucking orators, and to carry on a certain game, which hon. gentlemen opposite would find of no avail. Although derision had been cast upon the smallness of the majority on the Ministerial benches, yet, thank God, it was large enough to resist such motions as this.⁵⁸

M. LAFONTAINE félicite M. le procureur-général sur sa lumineuse majorité. Et que sera-ce donc lorsqu'on aura ajouté un nouvel astre à ce côté de la chambre? Il souhaite cependant que celui-là ne fasse pas trop pâlir les autres. (Rire et applaudissement). D'après le principe de M. le procureur-général il devra rester en office même dans la cas où il deviendrait en minorité, car la masse des talents et des lumières restent toujours avec lui, et cette masse devant toujours gouverner, il ne devra jamais résigner (rire et applaudissement). Si M. le procureur-général se fut contenté de dire que l'administration refusait son concours au vote d'argent qu'on demandait, tout aurait fini là; mais probablement que le procureur-général aimait aussi lui à déployer ses grâces oratoires, et il en possède qui feraient honneur à tous les débatting clubs du monde. Il conseille à M. le procureur-général de se renfermer à l'avenir dans sa dignité de ministre, et de ne pas s'engager trop souvent avec les jeunes membres de l'opposition dans ses escarmouches qui ne tournent pas à son avantage. Il termine en conseillant à M. Cauchon de retirer sa motion vu que le gouvernement refuse son concours qui est nécessaire pour tout vote d'argent.⁵⁹

The motion was withdrawn ((by MR. CAUCHON)).⁶⁰

FOOTNOTES - 29 JANUARY 1845.

1. The debate on this matter was reported by: MONTREAL GAZETTE, 1 February 1845, MONTREAL TRANSCRIPT, 30 January 1845, and the GLOBE, 11 February 1845, in accounts which are identical except that the GLOBE omits some speakers altogether; and the PILOT, 31 January 1845. It appears logical to insert the debate on this motion, which appointed the Select Committee on the post office, immediately before the motion which assumes the existence of this Committee.
2. MONTREAL GAZETTE, 1 February 1845.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. The debate on this motion was reported by: MONTREAL GAZETTE, 1 February 1845, and the GLOBE, 11 February 1845, in accounts which are identical except that the GLOBE omits some speakers altogether; LA MINERVE, 30 January 1845; LE CANADIEN, 5 February 1845; MONTREAL TRANSCRIPT, 30 January 1845; LE JOURNAL DE QUEBEC, 1 February 1845; and the PILOT, 31 January 1845, whose account was copied by the BROCKVILLE RECORDER, 6 February 1845, and the ST. CATHARINES JOURNAL, 13 February 1845. LA REVUE CANADIENNE, 1 February 1845, contained a commentary.
9. MONTREAL GAZETTE, 1 February 1845.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. PILOT, 31 January 1845.
17. The debate on this bill was reported by: MONTREAL TRANSCRIPT, 30 January 1845; and MONTREAL GAZETTE, 1 February 1845, and the GLOBE, 11 February 1845, in identical accounts.
18. MONTREAL GAZETTE, 1 February 1845.
19. IBID.
20. IBID.
21. IBID.
22. MONTREAL TRANSCRIPT, 30 January 1845. Mr. Christie reportedly made this statement "in the course of the debate"; the paper does not specify the exact context of the remark.
23. MONTREAL GAZETTE, 1 February 1845.
24. The debate on this matter was reported by: LA MINERVE, 30 January 1845; MONTREAL TRANSCRIPT, 30 January 1845; MONTREAL GAZETTE, 1 February 1845, and the GLOBE, 11 February 1845, in identical accounts; and the PILOT, 31 January 1845, whose account was copied by the BROCKVILLE RECORDER, 6 February 1845, and the ST. CATHARINES JOURNAL, 13 February 1845.
25. MONTREAL GAZETTE, 1 February 1845.
26. IBID.

27. IBID.
28. PILOT, 31 January 1845.
29. MONTREAL GAZETTE, 1 February 1845.
30. IBID.
31. PILOT, 31 January 1845.
32. MONTREAL GAZETTE, 1 February 1845.
33. IBID.
34. IBID.
35. The debate on this matter was reported by: MONTREAL GAZETTE, 1 February 1845, BRITISH COLONIST, 11 February 1845, EXAMINER, 12 February 1845, and the GLOBE, 11 February 1845, in accounts which are identical except that the COLONIST's is somewhat shorter; PILOT, 31 January 1845; and MONTREAL TRANSCRIPT, 30 January 1845.
36. MONTREAL GAZETTE, 1 February 1845.
37. IBID., which added that: "The hon. gentleman was greeted with shouts of Laughter throughout."
38. MONTREAL GAZETTE, 1 February 1845.
39. IBID.
40. IBID.
41. IBID.
42. IBID., which continued: "but as his ((Roblin's)) speech was only a Temperance Lecture, we refer our readers to the "Temperance Advocate," or any similar publication.
43. PILOT, 31 January 1845.
44. IBID.
45. The debate on this motion was reported by: BRITISH COLONIST, 11 February 1845, MONTREAL GAZETTE, 1 February 1845, and the GLOBE, 11 February 1845, in accounts which are identical except that the GLOBE omits some speakers altogether; PILOT, 31 January 1845; MONTREAL TRANSCRIPT, 30 January 1845; and LE JOURNAL DE QUEBEC, 1, 6 February 1845. The PILOT mistakenly identifies the mover of this motion as Chauveau, when it was in fact Cauchon.
46. LE JOURNAL DE QUEBEC, 6 February 1845.
47. PILOT, 31 January 1845.
48. MONTREAL GAZETTE, 1 February 1845.
49. LE JOURNAL DE QUEBEC, 6 February 1845, which reports that Mr. Smith spoke "avec l'ironie (sic)."
50. MONTREAL GAZETTE, 1 February 1845.
51. LE JOURNAL DE QUEBEC, 6 February 1845. The MONTREAL GAZETTE, 1 February 1845, and the MONTREAL TRANSCRIPT, 30 January 1845, both reported that Cauchon's speech was continually interrupted by shouts of laughter from both sides of the House. The GAZETTE styled his speech "one of the most extraordinary orations ever heard in the House, one would have supposed from the passion of the hon. gentleman that some momentous question was in debate." The TRANSCRIPT labelled his speech "most pathetic".
52. LE JOURNAL DE QUEBEC, 6 February 1845. The MONTREAL GAZETTE, 1 February 1845, reported only that "Mr. Chauveau followed in the true Debating Club manner."
53. LE JOURNAL DE QUEBEC, 6 February 1845.

54. IBID.
55. MONTREAL GAZETTE, 1 February 1845. LE JOURNAL DE QUEBEC, 6 February 1845, noted that Aylwin spoke in English.
56. MONTREAL GAZETTE, 1 February 1845. LE JOURNAL DE QUEBEC, 6 February 1845, noted of Mr. Smith: "Il paraît vivement piqué des observations qui viennent d'être faites."
57. LE JOURNAL DE QUEBEC, 6 February 1845.
58. MONTREAL GAZETTE, 1 February 1845.
59. LE JOURNAL DE QUEBEC, 6 February 1845. The PILOT, 31 January 1845, noted that Mr. LaFontaine spoke in French.
60. PILOT, 31 January 1845.

THURSDAY, 30 January 1845.

(216)

Dates of
certain
Writs of
Election.

THE House being informed that the Clerk of the Crown in Chancery was at the door, he was admitted, and at the Bar delivered the following Return, pursuant to an Order of this House of the twenty-eighth instant:--

P R O V I N C E O F C A N A D A ,

OFFICE OF THE CLERK OF THE CROWN IN CHANCERY,

MONTREAL, 29th January, 1845.

PURSUANT to an Order of the Legislative Assembly, bearing date the 28th January instant, the Clerk of the Crown in Chancery has the honour to lay on the table of the Honourable the Legislative Assembly, the following statement respecting the Elections for the Counties of SIMCOE, SAGUENAY, KENT, LANARK, and the Town of LONDON.

	Date of the Speaker's Warrant.	Date of Letter of the Clerk of the Crown in Chancery.	Date of the announcement to him of the appoint- ment of Returning Officer.	Date of Writ.	When returnable.	When transmitted.
County of Simcoe, 1844.	20 Dec.	20 Dec.	20 Dec.	20 Dec.	5 Feb.	20 Dec.
County of Saguenay, 1844.	13 Dec.*	17 Dec.	19 Dec.	19 Dec.	5 Feb.	21 Dec.
County of Kent, 1845.	10 Jan.	11 Jan.	11 Jan.	11 Jan.	15 Mar.	13 Jan.
County of Lanark, 1845.	21 Jan.	22 Jan.	27 Jan.	28 Jan.	19 Mar.	29 Jan.
Town of London	24 Jan.	25 Jan.	25 Jan.	25 Jan.	15 Mar.	26 Jan.

* This Warrant was received late on the 16th December, 1844.

FELIX FORTIER,
Clerk of the Crown in Chancery.

Petitions
brought up.

The following Petitions were severally brought
up and laid on the table:--

By Mr. Sherwood, of Brockville, the Petition of the Reverend Edward Denroche and others, members of the United Church of England and Ireland, in the town of Brockville, (relating to Common Schools.)

By Mr. Murney, the Petition of William Ketcheson, junior, and others, of the county of Hastings.

By Mr. Meyers, the Petition of Bayes M. Eddy and others, of the township of Haldimand, in the district of Newcastle.

By the Honourable Mr. Baldwin, the Petition of the Reverend W. Taylor and others, ministers of the Gospel, resident in the city of Montreal.

By the Honourable Mr. Robinson, the Petition of A. Lynd and others, of the district of Simcoe; the Petition of the Municipal Council of the district of Simcoe, (relating to the Common School Act); and the Petition of the Municipal Council of the district of Simcoe, (relating to a destitute idiot child.)

By the Honourable Mr. Attorney General Smith, the Petition of William Baker, Esquire, Warden, and others, inhabitants of the Municipal district of Missisquoi.

By Mr. Boulton, the Petition of the Reverend John Pentland and others, members of the United Church of England and Ireland, in the township of Whitby and parts adjacent, in the diocese of Toronto; the Petition of P. Wright and others, members of the United Church of England and Ireland, in the district of Ottawa; the Petition of William Morse and others, members of the United Church of England and Ireland, in the village of Paris and its vicinity; the Petition of Absalom Shade, Esquire, and others, members of the United Church of England and Ireland, in the town of Galt and its vicinity, in the diocese of Toronto; the Petition of James O. Bouchier and others, members of the United Church of England and Ireland, in the township of Georgina, in the diocese of Toronto; the Petition of the Reverend George C. Street and others, members of the United Church of England and Ireland, of the village of Newmarket, in the diocese of Toronto; the Petition of the Reverend George Petrie and others, members of the United Church of England and Ireland, in Burford and parts adjacent; the Petition of the Reverend Abraham Nelles and others, members of

the United Church of England and Ireland, in the Mohawk mission, in the diocese of Toronto; the Petition of the Reverend W. H. Hobson and others, members of the United Church of England and Ireland, in the town of Chatham and its vicinity, in the diocese of Toronto; and the Petition of the Right Reverend the Lord Bishop of Toronto and others, members of the

(217)

Church of England, in the diocese of Toronto, (relating to Clergy Reserves.)

By Mr. Désautier, the Petition of the Reverend Messire Lebourdais and others, of the parish of St. Antoine de la Rivière du Loup; and the Petition of the Reverend L. Aubry and others, of the parish of St. Léon Le Grand, in the county of St. Maurice.

By Mr. Macdonell, of Dundas, the Petition of Joseph Southworth and others, of the county of Dundas.

By Mr. Watts, the Petition of the Reverend John Butler and others, of the townships of Kingsey and Durham.

Petitions read.

Pursuant to the Order of the Day, the following Petitions were read:--

Of V. Guillet and others, Commissioners of the House of Correction, for the district of Three Rivers, praying for an aid, and an annual grant, in support of the said Institution.

Of the Montreal Board of Trade, praying that the effect of the proposed duty upon spirituous liquors, and distillers, and brewers, may be favourably considered by the House.

Of the Montreal Board of Trade, stating that the tax, which the Corporation of the city of Montreal contemplate imposing upon all goods sold at auction within the said city, will be injurious to trade, and praying that the House will take the matter into consideration, and do justice in the premises.

Of P. J. Masson and others, of the county of Vaudreuil, praying that the Ordinances respecting winter carriages, may be carried into full operation.

Of W. H. Waters and others, of the county of Vaudreuil, praying for the completion of the entire line of road between the Cascades and Montreal, on the same scale of improvement as the road between the Cascades and Coteau du Lac.

Petitions
referred.

Ordered, That the Petition of P. J. Masson and others, of the county of Vaudreuil, be referred

P.J. Masson
and others.

to the Select Committee, to which was referred the Petition of Michel Houle and others, of the city of Montreal, carters, and other references.

M.T. O'Beirne
and others.

Ordered, That the Petition of M. T. O'Beirne and others, Catholics of the city of Toronto, be referred to the Select Committee to which was referred the Petition of the Right Reverend the Lord Bishop of Toronto and others, members of the United Church of England and Ireland, in the city and vicinity of Toronto, (relating to schools), and other references.

W.H. Waters,
and others.

Ordered, That the Petition of W. H. Waters and others, of the county of Vaudreuil, be referred to the Select Committee to which was referred the Petition of M. F. Valois and others, inhabitants of Lachine and other parishes, and other references.

Rev'd J.C.
Leonard.

Ordered, That the Petition of the Reverend Jean C. Léonard, of the parish of St. Antoine de Longueuil, in the county of Chambly, be referred to the Standing Committee on Private Bills.

Toll-Bridge,
Richelieu.

The Honourable Mr. Morin, from the Standing Committee on Private Bills, presented to the House the Eighth Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee have gone through the provisions of the Bill to authorise John Yule, the younger, to build a Toll Bridge over the river Richelieu, in the parish of St. Joseph de Chambly; to fix the rates of toll for passing thereon; and to provide regulations for the same; and they have made certain amendments thereto; which they beg to submit for the adoption of your Honourable House, as follows:

Clause 3, line 10.--After "for," expunge the remainder of the clause, and insert "the term of fifty years from the passing of this Act; and at the end of the said term of fifty years, the said bridge, toll-house, turnpike and dependencies, and the ascents and approaches thereto, shall be vested in Her Majesty, Her Heirs, and Successors, and be free for public use; and it shall then be lawful for the said John Yule, the younger, his heirs, executors, curators, and assigns, to claim and obtain from Her Majesty, Her Heirs, and Successors, the full and entire value which the same shall at the end of the said fifty years, bear and be worth, exclusive of the value of any toll or privilege, the said value to be ascertained by three arbitrators, one of whom to be named by the Governor of the Province for the time being, another by the said John Yule, the younger, his heirs, executors, curators, or assigns, and the third by the said two arbitrators: Provided that at any time before the expiration of the said term of

fifty years it shall and may be lawful for Her Majesty, Her Heirs, and Successors, to assume the possession of the said bridge, and of the dependencies thereof, and the tolls thereon, upon paying to the said John Yule, the younger, his heirs or assigns, the full and entire value which the rights and privileges hereby granted to him and them may be worth for that portion of the said term of fifty years then remaining unexpired; such value to be ascertained, in case of difference of opinion, in the manner provided by law with regard to property taken by the Board of Works for the public service, the said payment not to be less than the value to the time, of the bridge and dependencies, exclusive of the toll and privilege."

Clause 7, line 4.--After "for," insert "the said term of fifty years from the passing of this Act, and no longer, and subject during the said term, to be taken possession of by Her Majesty, Her Heirs, and Successors, in the manner hereinbefore provided."

Clause 8, last line.--Expunge "forty shillings," leaving a blank in lieu thereof.

Clause 9.--At the end of this clause insert, "Provided also, that it shall be lawful for any Railroad Company incorporated by law, to erect or cause to be erected, within the said limits, a bridge for the purposes of the said Railroad, and to convey over the same all persons, vehicles, cattle, goods, wares, or merchandize, transported along the line of the said Railroad, but on no other account, and in no other way whatever."

Clause 14.--At the end of this clause, insert, "and an account thereof shall be annually submitted to each branch of the Provincial Legislature, during the first fifteen days of each Session thereof."

(218)

Petition of
Reverend
J. Carr
and others.

On the Petition of the Reverend Jacob Carr and others, and the Reverend T. Schneider and others, styling themselves the "Evangelical Association," and praying that the rights and privileges extended to other denominations, may be extended to them, your Committee could not obtain much information; but having examined Mr. Thompson, a Member of your Honourable House, (whose evidence is hereto appended), and having also ascertained from other sources, that the Petitioners compose respectable and moral communities, they see no objections to their recommending the prayer of the Petitioners, and the introduction of a Bill for their relief, notwithstanding the expiration of the time for receiving Private Bills.

Your Committee would remark that they have been waiting sometime for further information upon the subject, but have not been able to obtain it.

COMMITTEE ROOM,
30th January, 1845.

David Thompson, Esquire, a Member of the House, called in, and examined:--

You presented to the House a Petition from certain persons, styling themselves "The Evangelical Association," can you give the Committee any information on the subject of that Petition? I know many of the Petitioners to be good, moral, and religious people. There may be from twenty to forty families of them residing in the township of Rainham, county of Haldimand, who are very industrious; they have been residing there for more than twenty years. On looking at another petition from members of the same Association, residing in the districts of Wellington and Gore, and seeing by the signatures that they are of the same description as those in my neighbourhood, I consider them equally entitled to the advantage prayed for.

Private Bills. Ordered, That the time for receiving Private Bills and Reports from Select Committees upon Private Bills, be extended fifteen days beyond the respective periods last limited for the reception of the same.

On motion of the Honourable Mr. Moffatt, seconded by Mr. Boulton,

Canada Baptist Missionary Society. Ordered, That the Order of this House of yesterday, to engross the Bill, to incorporate the Canada Baptist Missionary Society, be discharged.

Resolved, That the said Bill be now taken into further consideration.

The House proceeded accordingly to take the said Bill into further consideration.

And the said Bill being again read, several amendments were made thereto,

And the said amendments being again severally read, they were agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

MR. SPEAKER,

The Legislative Council have passed the following Bills, without any amendment:--

Macadamized
Roads.

"An Act to repeal a certain part of an Act of Upper Canada, relating to Macadamized Roads, and to revive with reference to such Roads, part of a certain other Act relating to Public Highways and Roads in Upper Canada."

Also

Shipwrecked
Mariners.

"An act for the relief of Shipwrecked and Destitute Mariners in certain cases therein mentioned."

And then he withdrew.

Ordered, That Mr. Taschereau, Mr. Méthot, Mr. Lacoste, and Mr. Cauchon, be added to the Select Committee, to which was referred the Bill, still further to facilitate the registration of titles to real property, or incumbrances thereon in Lower Canada.

Tax on Dogs.

Ordered, That the Order of the Day for the House in Committee on the Bill, to empower the District Councils in Upper Canada, to impose a Tax on dogs, and to regulate Temperance houses within their respective districts, be discharged.

Resolved, That the said Bill be referred to a Select Committee, composed of Mr. Cummings, Mr. Prince, Mr. Sherwood of Brockville, Mr. Williams, and the Honourable Mr. Small, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Temperance
Houses.

Mr. Macdonell, of Dundas, moved, seconded by Mr. Williams, that it be an instruction to the said Committee to strike out of the said Bill, that part which relates to Temperance houses.

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Aylwin, Baldwin, Berthelot, Bertrand, Brooks, Cauchon, Chalmers, Chauveau, Christie, Desanier, DeWitt, Drummond, Ermatinger, Foster, Greive, Hale, Hall, Jessup, Jobin, Lacoste, LaFontaine, Lantier, Laterrière, Laurin, Lawrason, Leslie, Macdonald of CORNWALL, Macdonald of GLENGARRY, Macdonell of DUNDAS, Macdonell of STORMONT, M'Connell, Merritt, Méthot, Meyers, Morin, Powell, Petrie, Price, Prince, Roblin, Scott, Seymour, Solicitor General Sherwood, Smith of WENTWORTH, Stewart of BYTOWN, Stewart of PRESCOTT, Taché, Thompson, and Williams.--(49.)

NAYS.

Boulton, Colville, Cummings, Daly, DeBleury, Dickson, Gowan, Guillet, Macdonald of KINGSTON, Moffatt, Robinson, Sherwood of BROCKVILLE, Smith of FRONTENAC, Attorney General Smith, Taschereau, Watts and Webster.-- (17.)

So it was carried in the affirmative, and

Ordered accordingly.¹

MR. HALE moved that instruction should be given to the Committee to insert into the Bill a clause to enable all District Councils to tax Theatres, Circuses, and Billiard Tables.²

MR. AYLWIN suggested that the clause should be confined to Upper Canada and Sherbrooke if desired; it was of no use applying it to many Districts in Lower Canada, where Councils did not exist.³

DR. DUNLOP said the Member for Sherbrooke was going back to the days of "Praise-God-Bare-Bones," when all merriment and amusement was proscribed by Act of Parliament. The Hon. gentleman ought also to tax cricket-bats and curling-stones.⁴

MR. HALE withdrew the motion.⁵

(218)

Quebec Turnpike Road.

Ordered, That the Return to the Address of this House to His Excellency, the Governor General, of the fifth ultimo, for detailed accounts of the transactions of the Trustees of the Quebec Turnpike Roads, be referred to the Select Committee to which was referred the Petition of R. G. Belleau and others, inhabitants and tenants in the county of Quebec.

Niagara and Ten Mile Creek Plank Road.

Ordered, That the Bill to incorporate certain persons as the Niagara and Ten Mile Creek Plank Road Company, for the purpose of constructing a Plank Road from a certain place in Niagara to the Ten Mile Creek in Grantham, be read a second time, on Wednesday next, and that it be then the second Order of the Day.

On motion of Mr. Thompson, seconded by Mr. Merritt,

Indian Lands.

Ordered, That the entry in the Journals of this House, of the twentieth October, 1843, containing the appointment of a Select Committee to take into consideration the system of granting Indian lands, in the district of Niagara and Gore, be now read.

The said entry was read accordingly.

(219)

Indian Lands.

Resolved, That the said entry, together with the proceedings of the said Committee, be referred to a Committee of five Members, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered, That Mr. Thompson, Mr. Dunlop, Mr. Merritt, the Honourable Mr. Solicitor General Sherwood, and Mr. Johnston, do compose the said Committee.

MR. BOULTON⁶ moved that the Commissioners in the contested election of 3rd Riding of York should be directed to forward, without delay, the evidence taken thereupon.⁷

DR. DUNLOP ... seconded by MR. JOHNSTON⁸, moved in amendment that John Shuter Smith be ordered to appear at the Bar of that House to answer for having written a letter to the Speaker, containing a scandalous libel upon a Member of that House. The House had heard a great deal about the libels of Printers, but this was one of the most flagrant breaches of the privileges of that House that he had ever heard of. The duty of the Commissioners was plain and straightforward, they were appointed to take the evidence, and to transmit it to the House, through the Post-Office; they had no choice. The attitude which one of those Commissioners had adopted towards that House ought to be resented. That man had come with a Pawn-Broking assertion that he would not give up the evidence, until he had been paid a paltry sum of £17. The question was not between that Commissioner and the sitting Member for the 3rd Riding of York, but it was one affecting the dignity of that House, and the offender ought to be made to answer for it.⁹

MR. PRICE hoped that the House would leave the matter to him. He thought it rested entirely between Mr. Smith and himself.¹⁰

MR. SMALL said that if the Hon. gentleman wished his motion to carry as an amendment, it would delay the decision of the Committee upon this contested election. He hoped that in order to come to a speedy settlement of who was to sit in that House, the motion, if put, should be as a separate one, so that there should be no delay in obtaining the evidence taken by the Commissioners.¹¹

DR. DUNLOP withdrew his amendment, and put the substance of it as an original motion.¹²

MR. ((HENRY)) SMITH, (Frontenac), ((requested that)) ... the letter in question ... ((be read))¹³.

The letter upon which the motion was based was then read as follows:--

TORONTO, Jan. 24, 1845.

SIR,--I have the honour to inform you that the Commission, appointed to take the evidence upon the petition of Wm. Harrison against the return of James Edward Small, closed their labours on Tuesday last, and the evidence, which is somewhat voluminous, will be ready in a few days. At the same time I beg leave to state, that the expences of the Commission have not been paid. The expences amount to about £35, which is, by the Statute, to be defrayed between the petitioner and the sitting Member. Mr. Williams, the agent for the petitioner, was willing to pay his share; but, on the other hand, the sitting member, instead of paying, or offering to pay, left town, without making any arrangement for its settlement. Under these circumstances, the Commissioners conceive they have no other remedy, but the determination to keep in their hands all the documents and evidence taken before them, until the amount is paid: or they are commanded by the House to forward them, which determination I am directed to communicate to you for the information of the House. I have only further to remark, that in taking this course, we mean no disrespect to the sitting Member or to you.

I have the honour to be,

Sir,

Your most obedient humble servant,

JOHN SHUTER SMITH.¹⁴

MR. ((G.)) MACDONELL, of Dundas, felt it a duty to himself, and to the constituency that sent him to that House, after the precedent which had been established on a previous evening, ((to)) vote against the motion. The House was now called upon to declare a breach of privilege, in face of the decision lately given. He had risen in his place to complain of one of the most gross and flagrant libels which malice could dictate. A Committee, in its judicial capacity, acting upon oath, had been libelled, and when they complained----¹⁵

The Speaker ((SIR ALLAN MACNAB)) said that the Hon. Gentleman, in remarking upon the decision of the House on a previous occasion, was out of order, unless he intended to move a resolution thereupon.¹⁶

MR. ((G.)) MACDONELL continued--after the precedent established upon a previous evening, it was not consistent to entertain this motion. After that libel had been declared no breach of the privileges of that House, he would like to know what a man could pen or do which could be so considered? By that decision a license had been given to the public press to write whatever it please concerning the Members of that House. It would

be an act of inconsistency to declare this matter a breach of privilege, when a much grosser matter had been declared no breach; therefore he would resist the motion. Beyond this, the matter was not worthy of such a motion; there had been nothing done for which Mr. Smith could be brought to the Bar of that House. That gentleman was commissioned to act in a certain capacity, and was entitled to remuneration; he had not received that payment, and he had determined to retain the papers until he was paid, and he had a right to do so--every man was worthy of his hire; in the exercise of that right he had withheld those papers, until he was remunerated. The law gave a lawyer a lien on all papers, until he was paid, and Mr. John Shuter Smith had only exercised a privilege to which he was entitled.¹⁷

MR. SMALL regretted that this subject had ever been brought before the House; he did not consider it a libel, but a matter between himself and Mr. John Shuter Smith, who had acted in anything but a gentlemanly manner. He had rather that the House would leave the matter to be settled between him and that person.¹⁸

DR. DUNLOP said that he rose to a question of law. The letter which had been read left it to be inferred that the Hon. Member ought to have paid, but had not, but had run away.--(No! No!) It was a libel and a most scandalous one, and as such would be held by any Court of Law, and as such he would maintain it to be against all the lawyers of England and America.¹⁹

MR. JOHNSTON thought that it would be doing too much honour to the individual to bring him before the Bar of that House. This Mr. Smith had done a most impertinent thing in a very impertinent manner, but it would not do to take too much notice of him; that would make him of too much consequence.²⁰ The money ought certainly to have been applied for, before a letter like the one in question was written.²¹ As for the libel Lord Ellenborough had declared that the greater the truth, the greater the libel, and therefore it must be a great one.²²

COL. PRINCE thought that the conduct of Mr. Smith in this matter had been very improper, but there was nothing libellous in the letter which had been read. He considered that he was fully entitled to keep the papers. By the law he was entitled to receive a certain sum of money, fifteen shillings a-day for each Commissioner, and ten shillings for the Clerk, to be paid in the first instance by the petitioner, and sitting Member, and subsequently to be borne by the defeated party. If those parties did not pay, the Commissioner had a lien upon the evidence. He remembered an instance which occurred in Lincoln's Inn, where an Attorney refused to produce certain documents, upon the order of the Court of Chancery, until his fees were paid, and it was held that he had a right to do so. An Attorney was not compelled to deliver up the documents in his possession until his lien was satisfied, no matter if the course of justice should be stopped by his refusal. Why, then, should that House

assume a greater power than that claimed by the Court of Chancery, a power which does not belong to it? The Commissioner was right in retaining the papers until he was paid.²³

MR. SOLICITOR GENERAL ((HENRY)) SHERWOOD perfectly concurred in the opinion that the Commissioners had a right to retain the documents in their hands until they were paid. The intention of the law was, that they should be remunerated at once, and if the petitioner was prepared to pay his quota, the honourable gentleman opposite ought to have been prepared also. He had the pleasure of knowing John Shuter Smith, Esq., who was a young barrister of the highest respectability and unimpeachable character, a gentleman who was held in the highest estimation by all who knew him, and altogether incapable of an intention to affront any one, nor did he believe that he would do any thing to personally affront the Member for the 3rd Riding of York. In politics, he differed from Mr. Smith, who was an ally of the honourable gentlemen opposite, a member of the Reform Association, and one of its joint secretaries; but that could not prevent him (Mr. Sherwood) from expressing his regard for his honourable character, the estimation in which he was held, and his incapability of doing an insulting act. As a Commissioner, he had a right to expect that Mr. Small would have called upon him to settle this matter before he left; and when he wrote down that he had not been paid, he did not mean to say that Mr. Small had absconded. He (Mr. Sherwood) dared say that there were many members in that House, who, upon removal from Kingston or Toronto, had left accounts unpaid, which had been applied for since, without any imputation of dishonour upon the one side, or libel on the other. There was no disrespect shown to that House, for there was no refusal to give up the documents; on the contrary, Mr. Smith said in his letter that he should hold them until the amount was paid, or he was ordered by that House to forward them. An order to that effect had been given, and he regretted that some provision had not been made in that motion to pay this just demand. He would vote against the motion of the Member for Huron, for he considered there had been upon the part of Mr. Smith no intention to give offence; and if he had not been paid, the statement which he had sent to the Speaker was a true one, and did not impose any dishonour. He hoped that the journals of the House would not be encumbered with anything relative to this matter, but that the motion would be withdrawn, and the matter allowed to drop.²⁴

MR. BOULTON said that he felt it due to Mr. Smith to say, that before that letter had been given to the Speaker, an application had been made to Mr. Small, through Mr. Aylwin, his nominee, for payment of these expenses, and it was not until this had been refused that this course was taken.²⁵

of the Commission. He complained of Mr. Smith having acted in a most ungentlemanly manner throughout (sic) this transaction, under the circumstances of the case. When the Commission closed, he (Mr. Small) thanked the Commissioners for the impartial manner in which they had conducted their enquiry, and said to them that the next thing for them to do was to make out their account, when he would be happy to pay them. The next day he had waited upon the Chairman, who he was satisfied knew nothing of this letter, and who was the proper person to have communicated with him upon the subject, and informed him of his intention to leave, and asked if he chose to send the evidence by him. On the day that he left Toronto, he had seen Mr. Smith, who did not refuse to send the papers, but said they were not then ready, and he was obliged to send them by mail, and not by private hands. In that interview, not one word was said about costs. If he had been spoken to upon the subject, he was both ready and willing to have paid them. The very next day after that, Mr. Smith, without having thought proper to call for these fees, sat down and wrote this impertinent and insulting letter, and sent it open, enclosed in another, to the nominee of the petitioner.²⁶

The Speaker ((SIR ALLAN MACNAB)) requested that the Hon. gentleman would not forget to state to the House, that he had refused to receive that letter as an official communication; and that it had not been produced to the House by him, but by the Hon. gentleman (Mr. Small) himself.²⁷

MR. SMALL continued--The letter in which this was enclosed ran thus:--

"TORONTO, Jan. 24, 1845.

"DEAR BOULTON,--The enclosed will explain itself. I wish you to speak to Small about the expenses of the Commission, and, unless he pays you his half, say £17 10s, show him the enclosed letter, and if he then refuses to pay, hand it to the Speaker.

(Signed)

"JOHN SHUTER SMITH."

This insulting letter, conveyed in the most insulting manner, through the man who is hoping to unseat me, held out a threat, an attempt at intimidation, and that too when the Commissioners knew of my leaving town, and never said one word to me upon the subject, and in the face of my having offered to pay them. Since the matter had been brought up, he (Mr. Small) thought it right to make this explanation. The letter was a gross insult, but no libel, and he knew well how to treat the writer. He hoped the motion of the Member for Huron would be withdrawn, and the House would leave the matter to be settled between him and Mr. John Shuter Smith.²⁸

DR. DUNLOP said that in bringing forward the motion, he had had no other object in view, but that of giving the Hon. gentleman an opportunity

of explanation, and setting himself right before the public in this matter. And that object having been achieved he would now withdraw the motion.²⁹

MR. BALDWIN wished to say a few words upon the subject. He differed from those gentlemen who were of opinion that the Commissioners had a right to retain the evidence taken before them until they were paid; they were not acting as Solicitors, but as Judges, and the documents were in the same position as a mandamus or writ of certiorari, which they had no right to retain, because the fees were not paid. If it was right in law for them to retain them, then the order which had been issued by the House for them to send these papers down was unjust. By passing the motion it had done, the House affirmed the principle that the Commissioners had no right to retain the evidence. He was sorry that this thing had occurred; he knew Mr. Smith, and could bear testimony to the truth of the encomium passed upon him by the Hon. Solicitor General; he could not help thinking that it had sprung out of some misunderstanding on both sides, which would be at last satisfactorily explained. But at the same time he could not help condemning the course taken by Mr. Smith, and the manner in which this letter had been forwarded.³⁰

MR. AYLWIN said that the course pursued by Mr. Small had been advised by him. When he had seen Mr. Smith's letter, he considered it imperative that Mr. Small should allow him to carry out his threat; any submission would have been to have admitted that there had been something wrong in his conduct. He was much surprised at Mr. Smith, and could only account for the manner in which he had acted, by the fact that he was a very young and ill-advised man. It was highly improper that the junior Commissioner should have taken upon himself to demand payment, not only of his own fees, but the whole of the Commissioners, Clerks, and ... all, and that too without being requested by them to do so.³¹

MR. BOULTON here read a letter upon the table of the House in which Mr. Smith stated that he was authorised by the other Commissioners.³²

MR. AYLWIN continued--There was no doubt that he had acted very wrong (sic), but he had not been guilty of a libel. As to the law of the case, whether the Commissioners had a right to retain the documents, he differed with those gentlemen who contended that they had, and altogether agreed with the opinions given upon this matter by the Hon. Member for the Fourth Riding of York.³³

MR. ATTY. GEN. ((J.)) SMITH said that the Commissioners could not be held to have committed a breach of privilege until they refused to obey some order of the House; this they had not done; but on the contrary, Mr. Smith had declared that the papers should be forwarded, if the House chose to order their transmission. He was of opinion that the Commissioners had no lien upon the evidence. He drew a line between an implied order, such as was conveyed by the Statute, which directed the transmission of

these papers, and an absolute order of that House. The neglect of the first was not, and that of the latter was a Breach of Privilege. In the present case no order had been given, and none disobeyed, therefore, the Commissioner was not in contempt. Should the Commissioners refuse to forward the evidence after a due order given, it would then be time to vindicate the privileges of that House.³⁴

The motion was then withdrawn ((by DR. DUNLOP.))³⁵

(219)

On motion of Mr. Boulton, seconded by the Honourable Mr. Aylwin,

Contested
Election, Third
Riding York.

Ordered, That an order do issue from this House, directed to Robert Easton Burns, John Hector and John Shuter Smith, Commissioners appointed to take evidence in the contested election for the Third Riding of the county of York; as well on the part of the Petitioners as on behalf of the Sitting Member, commanding them forthwith to return to this House the Commission and all the evidence taken by the Commissioners in connection with the said election for the said Third Riding of the county of York, as well as any documents pertaining therto, which may have been produced before them.

Limited
Partnership.

Ordered, That Mr. Merritt have leave to bring in a Bill to authorize the formation of limited partnerships in this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Monday, the tenth of February next.

On motion of Mr. Hale, seconded by Mr. Foster.

Toll-Bridge,
Richelieu.

Resolved, That this House will, on Monday next, resolve itself into a Committee of the whole House, on that part of the Eighth Report of the Standing Committee on Private Bills, reporting favourably on the Bill to authorize John Yule, junior, to build a Toll Bridge over the river Richelieu, in the parish of Saint Joseph de Chambly; to fix the rates of Toll for passing thereon, and to provide regulations for the same.

On motion of Mr. Scott, seconded by Mr. Taschereau,

Petit Jurors.

Resolved, That this House do now resolve itself into a Committee of the whole House, to take into consideration the propriety of remunerating Petit Jurors for their attendance at the Criminal Court of Queen's Bench, and the Court of General Quarter Sessions of the Peace.

The House accordingly resolved itself into the said Committee.

*Mr. Ermatinger took the chair of the Committee,*³⁶

MR. SCOTT ... in a few words, explained the hardship to which these jurors, principally taken from the poorer part of the population, were subjected through their being obliged to come a great distance to attend the Courts, leaving their crops frequently ripe, and compelled to hire persons to do their labour at home, while they received no remuneration for their services. He would leave the House to say in what manner the object of the resolution could be best carried out³⁷.

L'honorable procureur-général ((M. J. SMITH)) a déclaré qu'il n'y avait aucune objection à cela, mais qu'il n'y avait pas d'argent pour cette (sic) objet dans le coffre public.³⁸

M. LAFONTAINE a demandé pourquoi, puisqu'on n'avait pas d'argent pour payer les petits jurés, faire déclarer à la chambre qu'il est expédient de les payer? C'est s'engager à introduire une mesure de cette nature.³⁹ The hon. gentleman ... ((castigated)) Ministers for sanctioning such a proceeding, involving an immense expenditure of public money without being able to say how it was to be raised⁴⁰.

MR. ((J.)) SMITH ... ((remarked)) about the dictatorial bearing of Mr. LaFontaine, and asserted that he had not power in that House to carry out his views, that he laid down certain rules, but he would find that they would not be followed. ... With reference to the motion Mr. Smith said it was "a mere abstract proposition" "an expression of opinion that may or may not be carried out"⁴¹.

MR. AYLWIN ... said that it would be a mere delusion to the country to adopt such a resolution, unless immediate action were to be taken on it⁴².

MR. ROBINSON, Inspector General, had not the least idea of such a charge coming on the public revenue. He referred with approbation to the Upper Canada system under which the same jurors are employed in civil and criminal causes.⁴³

MR. GOWAN was the most prominent speaker in favour of paying ((crown jurors)), and he urged that as every other person from the Judge down to the crier engaged in the administration of justice was paid, there was no reason why the jurors should not be also.⁴⁴

MR. HAMILTON MERRITT and MR. GEORGE SHERWOOD argued in opposition to this that if an equitable jury law were passed ... the people would have to discharge the duty in their turn and that a tax would in effect be in operation, that is to say, the best and cheapest mode of taxing for jurors was on the statute labour principle making the party perform the duty

without pay⁴⁵.

MR. GEORGE SHERWOOD read a statement of the probable expence in Upper Canada which he estimated at about £12,000 per annum.⁴⁶

There should be ... MR. LAFONTAINE ... observed ... a plan submitted shewing the ... mode of raising the money required⁴⁷.

It was contended ... that if the Government supported this resolution it was incumbent upon them to introduce a measure thereupon, and to provide for the payment of jurors out of the public chest. This view was supported by ((MR. THOMPSON))⁴⁸.

It was contended by Ministers that their acquiescence in the propriety of the remuneration of jurors did not pledge them to introduce a measure. The speakers upon the Ministerial side ... ((included)) MESSRS. ... GOWAN, HALL, HALE, JOHNSTON, MACDONELL, and COLVILLE⁴⁹.

MR. HENRY SHERWOOD closed the debate. ... He admitted the difficulty of providing "the ways and means" and acknowledged that some project for raising them should accompany the resolution. He wished hon. members on both sides of the House would join and try to mature a plan⁵⁰.

(219)

and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Ermatinger reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again, this day fortnight.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, delivered to Mr. Speaker, a Message from His Excellency, the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered, and is as followeth:--

C. T. METCALFE.

Advances from
Military Chest.

The Governor General transmits, for the information of the Legislative Assembly, the accompanying documents, and recommends to their attention the claim of the Imperial Government for reimbursement of a balance remaining unpaid of advances in 1838 from the Military Chest for Civil Services, and

amounting to £13,513 10s. 3d. sterling.

GOVERNMENT HOUSE,
Montreal, 27th January, 1845.

Copy of a Report of a Committee of the Executive Council, dated 27th August, 1842, and approved by His Excellency, the Governor General, in Council on the same day, on the subject of the Debt due from the late Province of Lower Canada to the Imperial Treasury, on account of the advance from the Military Chest in 1838, of the sum necessary to pay the arrears due to the Civil Officers of that Province on account of their salaries:--

His Excellency, the Governor General, in Council, is of opinion that the law does not admit the payment of the balance of £13,513 10s. 3d. due to Her Majesty's Treasury, under the Ordinance of Lower Canada, 1st Victoria, cap. 11, and that therefore a necessity exists of submitting the matter to Parliament. It is therefore agreed, that a Message on the subject be communicated to the Legislative Assembly, at such period of the next Session as His Excellency shall find convenient.

Certified.

J. G. HURD,
Acting Clerk Executive Council.

Extract from a Statement furnished by the Commissary General on the 28th December, 1843, of Advances from the Military Chest in Canada, on account of the Colonial Government, and which are still outstanding.

DATE.	PARTICULARS.	Amount Sterling at 4s. 2d. per Dollar.
1838 October.	Balance due on the amount advanced from the Military Chest, on account of Salaries of the Colonial Officers, at the rate of Exchange ruling at the time of payment.....	£ s. d. 13513 10 3

(Signed,) WILLIAM FIELDER,
Commissary General.

COMMISSARIAT, CANADA,
MONTREAL, 28th December, 1843.

IN COUNCIL,
20th January, 1845.

On a letter from the Commissary General, dated 28th December, 1843, relating to a balance of £13,513 10s. 3d. due to the Commissariat:--

The Committee have had reference to the approved Minute of Council of the 27th August, 1842, and would recommend to your Excellency to refer the subject of this claim, by Message, to both Houses of the Legislature.

Certified.

(Signed,) E. PARENT.

To the Civil Secretary,
&c. &c. &c.

(220)

Education.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor General,

Return to an Address of the Legislative Assembly, to His Excellency, the Governor General, praying His Excellency to cause the proper officer to lay before the House, copy of the Statistical Report of the Superintendent of Education, for the year 1843.

(For the Documents accompanying the said Report, see Appendix Z.)

And

Colonial-built
Shipping.

The Honourable Mr. Daly also acquainted Mr. Speaker and the House, that His Excellency, the Governor General, will receive this House, with its Addresses on the twentieth ultimo, on the subject of Colonial built shipping, to-morrow, at three o'clock, P.M., at the Government House.

Intestates
Estates.

The Order of the Day for the second reading of the Bill, for the more equal distribution of the property of persons dying intestate, in that part of the Province, called Upper Canada, being read,

Mr. Roblin moved, seconded by Mr. Price,

*That the said Bill be now read a second time.*⁵¹

MR. ROBLIN said, he was fully aware of the prejudices that existed in the minds of many Hon. Members, and in fact in the minds of many individuals out of the House, in favour of ancient and antiquated customs, notwithstanding those customs or usages might be in themselves unjust, and contrary to the principles of equity. But still he hoped that it was not too late to enquire whether the law of primogeniture was just in its operation even in England, though we were not legislating for that favoured country. It must be remembered that even in England the law of Gavel-kind, as it is called, prevails in the County of Kent, by which the children of the intestate inherit in equal proportions. That, it appears, was the law throughout England before the Conquest, and why was it done away with? because knight service was introduced and became necessary for the support of the authority of the king that he should have those Knights sustained by their vassals, whom they could bring into the field at any time. But at the time of the Conquest, the inhabitants of Kent demanded and obtained from the Conqueror the privilege of retaining their ancient custom in this particular, and to this day much of the landed property in that county still descends to the several children of the intestate. But to come closer home, in our own country, I maintain that the law of primogeniture is quite inapplicable; at all events, the order should be reversed. It must be borne in mind that the custom among the yeomen of the country is to provide for the elder branches of the family as they grow up, and in almost every instance the younger son is the one who remains on the homestead. Lands being abundant, the great majority of farmers provide for each son as he grows up, and settles him on a comfortable farm, with the title in his chest, while the youngest remains at home, with no title but the father's will, and that perhaps not committed to writing. Again, the helplessness of the younger branches is a strong argument in their favour. Let any gentleman call to his mind, if he can, the scene around the dying bed of the father of a family, and recollect which are the members of the family who, in that critical moment, occupy his anxious care; is it not those little innocents, who are unable, not only to provide for themselves a livelihood, but in fact are unable to take care of themselves in any way, but are solely dependent upon the superintendence of others? I defy any Hon. gentleman to shew a single instance where any person, under such circumstances, in his right mind and in full possession of his mental powers, will allow his property to descend according to the law of primogeniture. This brings me to another strong objection to the present law, and it is this: the laws of our country are said to be founded on principles of equity and justice, and I am not disposed, in the generality of cases, to dispute it, but I deny that it is so in this case, and public opinion fully bears me out in making the assertion. If the law is founded upon equity and justice, any person acting up to the spirit and letter of this law, should certainly be free from the imputation of dishonesty; but can there be an individual found hardy enough to stand up (in the nineteenth century) and say that a man who has been settled by his father on a good farm, with the title deed in his chest, would be an honest man if his father should

die without making a will, leaving some four or five others with a farm provided for each, but the title in himself, and this eldest son should turn them all houseless upon the world, and he enjoy the property which his father had laboured hard to provide for others; then the carrying out of a law which subjects a man to the censure of the world for a rogue and a dishonest man, is one which certainly should be repealed. But it is said that any person who does not wish to have his property descend agreeably to the present law, can make a will; this is very true, but there are many persons who have prejudices against making wills, whether justly or not is a matter of no consequence, the fact exists; there is to them something forbidding in it, they appear to think it will shorten their days; these prejudices exist mostly among that class of the community who are most affected by the law, namely the yeomanry of the country. The honest scruples and prejudices of the people should not be disregarded by the legislature, especially where they are not contrary to the principles of equity and justice. But, suppose none of these prejudices to exist, it is not contemplated by the present Bill to prevent any persons from making a will who wishes to do so, and give all to any one or more of his children; but who is it that is best able to make a will, not the farmer in the country, who has not the means of calling in the services of a legal gentleman at any moment, but is generally obliged to employ some country school master, or some of his more favoured neighbours who may be able to do it for him, and in many cases these wills are torn to pieces by the lawyers, and thus the honest intentions of the devisee frustrated, whereas, on the other hand, those who are rich always have the means of making wills which will stand investigation. But it is objected that should this Bill pass, it will prevent persons from making wills; no stronger argument than this can be adduced in favour of the Bill, it being so much in accordance with the views and feelings of the people, that they will give themselves no trouble to make a different distribution of their property. The great objection raised is, that it will cut up property into small pieces; this will seldom occur, and the evil in that case should it occur in a few instances, would not be equal to the opposite effect, namely, of placing all the lands in the country in the hands of a few. What is it, I would ask, that constitutes the wealth of a country?--is it not its productiveness? And which, I would ask, will be the more productive--the small farm or the large one? It is bad policy to legislate for the aggrandisement of the few, to the prejudice of the many, in any case, but more especially when, by doing so, you injure the general community. The man who is rich, and owns an immense tract of land, becomes proud and will spend much of his wealth in ornamenting his estates, indifferent whether they produce much or not; while the man who owns a farm of moderate size will make it produce all that it is capable of doing; and it must be admitted on all hands that a thousand acres of land owned by five persons will produce much more than the same number of acres in the hands of one man. These, and many other reasons which might be adduced, have induced me to bring forward this measure.⁵²

The Sol. General ((MR. HENRY SHERWOOD)) followed ... in favor of the resolution, which he said was too just and too honest not to engage his vote, and would be most happy in giving his support to any plan which might be desired. It was however an abstract question at present, on which a person could give his vote freely without bringing himself to the bill when the means are proposed.⁵³

(220)

Mr. Johnston moved, in amendment, seconded by Mr. Macdonald, of Cornwall,

That the word "now," in the said motion be struck out, and the words "this day six months" substituted.

MR. ((HENRY)) SMITH, of Frontenac, said he would support Mr. Johnston's amendment; there had been no petition presented to that House, praying for an alteration in the law of primogeniture as now existing in the Upper Province; and, therefore, this Bill was uncalled for. It struck the first blow at the root of British Institutions in this Colony. The law had existed for centuries, and no good reason had ever been found against it, neither had it ever been successfully attacked. No person in Upper Canada had ever complained of the law, but the introducer of this measure, and an alteration in it had been a pet scheme with him like that of vote by ballot was with an Hon. gentleman opposite, and both measures had been introduced every Session that he had had a seat in Parliament. This Bill had been upon a former occasion opposed by Mr. Baldwin when Attorney General for Upper Canada, and he hoped to see him oppose it now. The votes of the Members for Lower Canada ought not to be given upon this question, as it was one affecting Upper Canada alone.⁵⁴

M. PRICE ... démontre les mauvais effets qu'un tel principe introduirait dans le pays. Il dit que se serait la ruine de votre état de société, et que s'aurait la conséquence inévitable de mettre le frère en opposition au frère. Que la loi de primogéniture n'existe pas en France, mais qu'elle existe en Angleterre où elle a été la cause de tant de malheurs; qu'en France la propriété est beaucoup plus également répartie, et que les maux qui existent avec tant d'intencité (sic) en Angleterre n'existent pas en France.⁵⁵ ((He)) called upon the Members for Upper Canada to express their opinions upon it.⁵⁶

MR. GOWAN was glad to see such a proper spirit manifested in debating this question; it was one of great importance, and called for calm deliberation. In this spirit he would endeavour to treat it. It would be admitted that no person could feel the same interest in a property which was destined to descend to uncertain persons, as he would, if it was going to his immediate heir; that proposition was certain. He would endeavour to apply himself to the chief arguments used by the Hon. Member for Prince Edward, of which he had taken notes. The Hon. gentleman had referred at

some length to the Law of Gavel-kind as existing in the county of Kent, in England, but he ought to have told the House what was the law relative to descent in other parts. He (Mr. G.) proposed to tell the House what was the law upon this subject in other parts of Europe, and at what period the law of primogeniture was altered in Athens, Rome, and the North of Europe. Previous to the time of Solon, the law of primogeniture was in existence in the Republic of Athens. He believed that in Rome, it was 300 years before power was given to alter the law of descent of real property to the eldest son at all; and that law also prevailed until within a late period in the North of Europe, particularly in Germany. In England it was not for some time after the conquest, that a law was passed, enabling a testator to make any disposition of his property, otherwise than by descent to the eldest born. In Scotland, in the year 1685, the Scottish Parliament, the representatives of the people, by an unanimous vote, entailed the whole landed property of the country upon the eldest son. If the House would go back to the very earliest period, it would find that the highest authority, an authority for which Hon. Members must entertain the greatest veneration and respect, an authority no less than that great Being who had created and placed them upon this world, had in his holy writ established the law of primogeniture. Yes, in the Patriarchial ages--57

Laughter from the Opposition.⁵⁸

((MR. GOWAN continued:)) Yes! Hon. gentlemen might laugh, in the Patriarchial ages, the great Being who formed us all, gave the precedence to the eldest son. The elder became the natural protector and provided for the younger. The Hon. gentleman from Prince Edward had dwelt feelingly upon the subject of a father lying upon his death-bed, and feeling an anxious solicitude for the welfare of his helpless little ones; and it was not consistent with common sense that a father with such feelings, rendered more susceptible at such a time, would alienate his property from them. But it must be remembered that the eldest born became the partaker of his father's labour, and the partner in the hardships of his parents, toiling side by side with them year after year, and helping to acquire that property which the Honourable gentleman was so anxious should be given to the little ones who had taken no part in that labour. Mr. Roblin had said that he was borne out by public opinion in introducing this Bill, but there was no proof of any wish on the part of the people of Upper Canada for a change in the law as it existed. The people of Upper Canada were not used to lie idle under what they conceived a grievance; they were accustomed to call public meetings and to complain by petition; and he would ask that Hon. gentleman if there had been one meeting in any single district, county, city, town, or village in Upper Canada, or a single petition from any part thereof praying for an alteration in the law? What reason, therefore, was there for the gratuitous assertion of the Hon. gentleman that his views were seconded by the wishes of the people of Upper Canada? Such an assertion was not warranted; and

it would be found when the vote upon this question was taken, that there was not the shadow of a foundation for the remark. He trusted that the gentlemen who represented that portion of the Province would show by their votes that such an assertion was not justified by the fact. Was it not competent to the parent by will to divide his property in any manner that he thought proper? And, if he did not choose to do so, his neglect was prima facie a proof that the eldest should inherit. The Hon. gentleman who had introduced this measure, had endeavoured to meet the force of that point by saying that in country parts there were no lawyers to draw up wills; the same argument would apply to other professions, and it might equally well be said that there might not be a doctor near, when one was required as much as the other. The Hon. gentleman had stated as an argument for the division of property, that small farms are more productive than large ones, and of greater benefit to the country. Such a proposition was new to him (Mr. Gowan). He conceived, if such a system were carried out, it would be the means of ruining and blasting Upper Canada, instead of benefitting it. The farms of Upper Canada, in six cases out of ten, did not contain more than 100 acres, and if any one of these was divided among a large family, it would give 8 or 10 acres to each child, and to the family of the next generation half an acre each and that would be the practical effect of the law. It was true that the Hon. Member for the First Riding of York had asked what there was to prevent the eldest son taking charge of the whole property, and paying to the others, upon their arriving of age, their proportion of its value. But the Hon. gentleman did not remember that some of the children might marry and die when minors, and their right become vested in their children, and how then could this system be carried out? Another objection was, that, in consequence of the shifting nature of the population, and where there were so many heirs, it would be a matter of impossibility to perfect titles. He contended that if the system of division of property were introduced, it would deprive the children of the protection and support of the eldest son, who was not their protector and guardian, and drive them, without protection, upon the world. The little which each would receive would take away from them that natural energy, which would be drawn forth under other circumstances, and be expended to the best advantage. It would by one act destroy the property of years, and instead of being a means of provision for the younger branches of a family, it would be their ruin. It was urged that this law had been in force in the United States, without producing evil consequences. Such indeed might be the case when the great West was open to adventurers; but let that country once become filled up, and there would be a revulsion, the effects of which every humane mind must dread when it arrived. The Hon. Member for the 1st Riding of York, spoke of the existence of the law of equal division of property in France, and he would ask Hon. gentlemen to compare the state of society in that country with that of England, and they would see the effects of the system. It was true that France might equal England in her progress in arts, and sciences, but in agriculture she was at least a century behind her. And this was to be attributed to this very division of property. He (Mr. G.)

was in favour of the English system, it might perhaps be prejudice, but if it was, it was a prejudice of which he could not divest himself. He loved everything that was English, and he would oppose this Bill because it was un-English, because the law of England had stood the test of ages, and under it she had attained to a pinnacle of renown which no other country had ever reached. If there had been petitions before that House, praying for an alteration in the Law, then it would have been its duty to have investigated the matter; but when such a sweeping proposition as this was introduced upon no justifiable grounds, upon no complaint having been made, he hoped that it would not be entertained. In the words of the poet:

"It is better to bear the ills we have
Than fly to others which we know not of."

He could tell the Members for Lower Canada that the people of the Upper Province would not be satisfied if its representatives were to attempt to alter their laws, without petition from the inhabitants.⁵⁹

MR. PRINCE combat le préopinant qu'il tourne en ridicule pour être remonté jusqu'à Solon.⁶⁰ ((He)) hoped that this Bill would not be tomahawked upon the second reading, but that the House would acknowledge the principle, and allow it to go to a Committee of the whole, there to be fairly discussed. For his own part, he was in favour of the Bill. He saw nothing in the argument that no petitions had been presented in favour of the measure. It was one which had been frequently discussed in Parliament, and therefore one to which public attention had been called; and the fact that there had not been any petitions against it was as strong an argument as the other. He did not consider it a bad Bill.⁶¹ Il dit que c'est une erreur de croire que parce qu'une loi est vieille elle soit bonne; qu'il n'est pas d'anciennes lois en Angleterre qui ne soient changées plus ou moins.⁶² He knew no greater curse to a country like Canada than a large landed aristocracy. It was the absence of this inequality which constituted the happiness of the habitants in Lower Canada, who were the happiest and most contented people in the world.⁶³ Que la loi de primogéniture peut convenir peut-être à l'Angleterre⁶⁴, though even there it led to great abuses. But in Canada they did not adhere to English practice in every respect. In Canada real estate was subject to simple contract debts, which was not the case in England.⁶⁵ Mais on ne doit pas juger de ce qui convient au Canada par ce qui convient à la métropole. Voyez le Haut-Canada. La propriété y est divisée, chaque habitant vit bien confortablement sur sa petite terre, petite relativement à la grand propriété, mais assez étendue pour fournir abondamment à ses besoins et à ceux de sa famille. Il cite aussi l'exemple du comté de Kent où les terres n'ont guères plus de 150 acres, que le système de primogéniture fut introduit en Angleterre après la conquête des Normadns (sic); qu'il a presque honte de citer Guillaume le Conquérant, parce qu'il a conquis le pays où il est né; mais que le comté de Kent en fut exempté, et qu'à l'heure qu'il est un habitant de Kent est fier de posséder sa terre selon le système que veut introduire M. Roblin. Que

les grands aristocrates, et certes il y en a assez en Kent, ont bien essayé d'obtenir la primogéniture du parlement qu'ils pétitionnèrent a cet effet, mais que le peuple en général y fut toujours opposé (sic) et vit heureux et dans un état florissant sous le système contraire et qui est à peu près le même que celui qui règne dans la (sic) Bas-Canada dont les habitans sont pour la plupart (sic) des descendans des Normands dont il a déjà parlé.⁶⁶ On the whole, he was of opinion that the division of property ought to exist in this country, and hoped that the Bill would be referred to a Committee of the whole.⁶⁷

DR. DUNLOP said he had been absent when the discussion arose, but it was no loss--he had heard it over and over again, at least 11 times. He would refer to what was the case in Scotland, where large farms existed, and where the proprietors lived in comfort and luxury, and paid rents that would be considered exorbitant in Ireland. He would refer to what Lady Morgan said in her work upon France, that its farmers were worse off than English peasants, and that she had seen a man driving his wife and jackass yoked to the same plough. In that country there were no persons who answered to the middle class of farmers in England. There was nothing but an ignorant, impoverished peasantry, and a high, haughty nobility, without any of the real props of an aristocracy. He would ask his friend, Col. Prince, who had got a nice farm in Sandwich, whether he would like to have it divided into 10 or 12 portions, and settle his sons and daughters upon it. He appealed against the introduction of this measure, as an unnecessary interference with a settled law, and would vote against any innovation, attempted to be introduced for the mere sake of change.⁶⁸

MR. MERRITT said he had voted in favour of this measure in former Parliaments, in deference to public opinion. When the Bill had been mooted in the Parliament of Upper Canada, it had always passed with larger majorities, which showed that public opinion was in its favour; but it had been rejected by the Legislative Council. He would beg the House to call to mind the case of Col. Turner, whose whole property had gone to his eldest son, who was a profligate person, and who had squandered it away, and it was now in the hands of innkeepers. When he considered the effects of the law of primogeniture in England, it made him thank God that he had been born in a country where a different manner of disposing of property existed. It was self-evident that five men could cultivate 100 acres of land each, better than one man could cultivate 500, and, therefore, the division of property would lead to a greater amount of production. The state of things which existed in France, and which had been alluded to by the Member for Huron, did not arise from the division of land, but from the want of capital. In Lower Canada and the United States the system of the division of property had existed for a great length of time, and had been found to work well. And although it might be said that the law of primogeniture worked equally well in Upper Canada, it was only because it was a young country, and had not yet had time to experience the evil effects of the system. He trusted that the House would go into committee upon the Bill, when he would

support it.⁶⁹

MR. ERMATINGER said, that among the whole population of that part of Upper Canada where he resided he had never heard a wish expressed for any alteration in the existing law. It was therefore useless to waste the time of the House in discussing the question. He should look upon any alteration of the law as a great evil, since it would prevent the development of the spirit of enterprise in the younger branches of families, and keep them clustered round their present possessions, instead of their going forth into the world to seek their fortunes.⁷⁰

MR. MCCONNELL said, that the law of primogeniture was not in existence in the Eastern Townships, and the people were opposed to it. The people of that district were fond of what they considered a good law, no matter whether it was French or English.⁷¹

*Applaudissemens de la part de la gauche*⁷².

((MR. MCCONNELL continued:)) If the majority of the people of Upper Canada were satisfied with the law as it stood at present, it was unjust to compel them to change it; and he would on that account vote against the measure.⁷³

MR. BALDWIN said, that when, upon a former occasion, he had solicited Mr. Roblin to withdraw his bill, it was because, being in office, he desired time to ascertain whether a similar measure, but not liable to the same objections, could be introduced by the Government. With regard to the Bill itself, he saw great danger in splitting farms up into small pieces, which would be its effect. And on the other hand, he saw no danger of the vast accumulation of property in a few hands arising from the existence of the present law; it would never be felt, or at any rate not for many years, in such a manner as to call for legislation upon the subject. But the opinion of nine tenths of the people of Upper Canada was in favour of a change; that opinion had been growing for years, and, instead of retrograding, was still advancing. When he considered this, and looked upon the United States, that great country whose institutions must exercise a great influence upon those of this colony, and where the lands were divided in the manner proposed by this Bill, and saw no probability of that opinion in favour of a change diminishing--then it became a question with him, whether, sooner or later, it would not be necessary to introduce that measure; and if, sooner or later, it must be done, then let it be done at once, for the sooner the great principles of the social system were settled the better. This opinion he had held for a number of years; he had been prepared to act upon it then, and he was prepared to act upon it now. Whether there might not be some provision introduced into the Bill to prevent the evil of subdivision of properties, was a question, for the consideration of which the Bill had better lie over until next session. He had no doubt upon the principle, but there was

room for improvement in the method of the Bill. He should support the second reading.⁷⁴

MR. MEYERS said this was a Bill of great importance to Upper Canada, whose people had been born, and lived under the law of primogeniture; their parents settled Canada under that law, it was the law of the Mother Country, under which that country had prospered, and there had not been any sufficient reason brought forward to justify a change. If the people of Upper Canada required an alteration in a law, they were prone to petition for it, but there was no petition calling for this alteration. This Bill had been introduced into the Parliament of Upper Canada by a man who was a Republican by birth, a Republican in feeling, and who was now a Republican. No person who had espoused the principles supported by the Conservative side of the House, had ever been desirous of the Bill passing. If the people of Upper Canada desired it, let it pass; but if they did not, let it fall to the ground. In the first place, this question was an Upper Canada one, in which it was alone concerned, and he hoped that the Members for Lower Canada would not vote upon it, for if they did, they would find that it was quite as easy for the Members for Upper Canada to change their institutions as it was for them to alter theirs. This Bill struck at a vital and favorite institution of the people of U.C. He (Mr. Myers) disavowed the principles expressed by the Member for the 4th Riding of York; he denied that the institutions of the United States ought to have any influence over those of this Colony; the people of Upper Canada recognised no influence but that of the Mother Country; they were born under, and have been supported by, British Institutions, and they were determined to support them. (Tremendous cheering.) With regard to what had been said relative to the law in England, it was usual in that country, in cases where wills were not made, for the eldest son to receive the freeholds, but the personal property was divided among the rest of the children; and such also was the custom of Upper Canada. As to what had been said by the Member for Prince Edward concerning the feeling in Upper Canada, there was a case occurred not long ago, in which that gentleman had been called upon to make the will, in which the testator bequeathed his property to his eldest son. He (Mr. M.) had also known many instances in which the heir at law to an intestate estate had refused to assert his rights, but had divided the property among his brothers and sisters. And although the parents have a perfect right to dispose of their property as they think fit, in nine cases out of ten, no will is made. The people of Upper Canada are fond of this law of primogeniture, and the Members for Lower Canada ought to allow them to enjoy it, if they expected the same course to be pursued towards them, when some principle relative to Lower Canada is sought to be altered.⁷⁵

MR. ROBLIN ... ((said:)) "It had been said that this bill was not required and that it was a measure of Bidwell and Perry's."

"I hold in my hands, said the Hon. member, the Journals of Upper Canada. In the 12th Parliament⁷⁶---"

"Hear hear and cries of oh the radical Parliament"⁷⁷.

((MR. ROBLIN continued:)) "A bill similar in its nature passed passed by a majority of 35 to 8. (Hear hear.) On that occasion an amendment was introduced by Mr. Morris--ay, said the Hon. member, by the Receiver General of United Canada"⁷⁸.

Hear, hear from the opposition⁷⁹.

((MR. ROBLIN resumed:)) "((An amendment)) embodying the principle of this bill ... was supported by Messrs. Brown, McCrae, McKay, (the Hon. Mr. McKay of the Legislative Council) (hear, hear) McLean (Mr. Justice McLean) (hear) Morris, Small, Richardson (Mr. Charles Richardson, the Tory Clerk of the Peace for Niagara), Rykert (Tory candidate for Lincoln) Walsh (late Tory member for Norfolk.) Are these gentlemen radicals? said Mr. Roblin. But I will give the gentlemen opposite a vote for the 11th Parliament"⁸⁰.

Hear, hear from the opposition⁸¹.

"The true blue Tory Parliament as you Mr. Speaker well know when I (said MR. ROBLIN) was one of the minority of 14. The Hon. Member then opened the Journals and read from the division that the bill was carried 25 to 14. Here again Mr. Morris affirmed the principle, and, said Mr. Roblin, I am not wedded to the details of this bill, I only ask Mr. Morris' principle. Mr. Morris seconded by Mr. Maçon (this is the celebrated Jean Baptiste Maçon of this city, the electioneerer for Mr. Moffatt) moves that the bill be not now read a third time but that it be referred to a Select Committee to consider and report to the House a modification of the law of primogeniture which would entitle the younger branches of children whose father dies intestate to claim from the heir at law a certain portion of the value of any real estate which the Intestate may die seized of and that Messrs Attorney General and Bidwell do compose the said Committee."⁸²

M. LAFONTAINE dit que les membres du Bas-Canada ont toujours été disposés à ne pas imposer aucune loi au Haut-Canada malgré sa majorité. Qu'il votera quant à lui contre le bill si la majorité du Haut-Canada y est adverse; et que c'est là un principe que les membres du Bas-Canada ont voulu mettre en pratique dès le commencement de la session. Qu'il croit que la majorité du peuple du Haut-Canada est en faveur du bill, mais que cependant il veut s'assurer avant de voter en dernier lieu sur la mesure quelle est l'opinion de la majorité de ses représentans actuels; que l'on aura ce soir l'occasion de s'assurer si cette majorité approuve ou rejette la mesure, et que sans doute les membres du Bas-Canada se régleront sur cette mesure.⁸³

M. LaFontaine et la gauche furent vivement applaudis par la droite.⁸⁴

MR. SEYMOUR said, that it had been asserted that nine tenths of the inhabitants of Upper Canada were in favour of this measure. He had himself mixed much with the yeomanry of Upper Canada, and he could say that he had never heard any desire expressed for a change of the law. He had been actively engaged in canvassing against Mr. Bidwell, who introduced this Bill in the first place, and he had never heard the fact of his having introduced that Bill urged as a reason why he should be supported. He considered this Bill altogether uncalled for. He had known heirs to intestate estates, to divide the property of their own accord, in many cases; he knew one instance in which the elder son, where there was a family of six children, sold the property which was small, and went into another business, and was thus enabled to provide handsomely for the rest, which could not have been the case had the law now proposed, been in force.⁸⁵

MR. DUGGAN said he was a young man, but for many years he had taken an active part in all the public meetings which had been held in or near Toronto and the Home District, and he flattered himself that he could tell what was the opinion of the people, as well as the Member for the 4th Riding, and he denied that they wanted a change in the law as it existed, they looked upon it as a part of the Constitution, as part of their rights as British subjects. Had they required any alteration they would have petitioned for it; but there had been no petitions. As for what had been said against the liberality of the sentiments of Members upon that side of the House, when the last Ministry had been in power with a much stronger majority than the present had, the people of Upper Canada had found them not liberals, but tyrants, and at the last election had rejected them, not by ones, but by dozens, and the Ministerial side of the House was a monument of what was the real opinion of the people of Upper Canada regarding them.⁸⁶

MR. SMALL combat M. Duggan, et dit que le peuple du Haut-Canada a envoyé requête sur requête pour abolir la loi de primogéniture, que lui-même a été élu à la condition de supporter une mesure de la nature de celle de son bon ami pour Prince-Edward.⁸⁷

MR. ((J.A.)) MACDONALD, of Kingston, had heard with surprise and regret, the Hon. Member for the 4th Riding of York, after declaring that the system, now attempted to be introduced, was liable to great objections which were not applicable to the old one, state his intention to support it. He had thought that his motto was "Fiat justitia, rual caelum." And after this acknowledgment he would vote for a measure which he knew to be a bad one, because he had taken it into his head that the people of Upper Canada required it. In what manner had he obtained the opinion of which he had spoken? Had any pledge in favour of this measure been exacted by any constituency in Upper Canada? There were but two legal and Parliamentary means of learning what were the opinions of the people--petitions and public meetings, and there had been neither of these in its favour. The great majority of the people were against this measure

as anti-British and anti-Monarchical; it ought not to be introduced here, for the very reason that it had been introduced into the United States; it was folly to raise a Monarchical structure upon a Republican foundation. The law of primogeniture was the great bulwark between the people and the Crown, and the Crown and the people. The measure intended to be introduced was against the first principles of political economy, it was calculated to make the poor poorer, that which was comfortable farm-house in one generation, a cottage in the second, and a hovel in the third; and under it, agriculture, instead of becoming a science, would be degraded, as it was in Ireland and France, to a mere means of life. He would refer honourable gentlemen opposite to an article contained in Blackwood's Magazine, a publication not much given to Tory principles, upon this very subject. It quotes the opinions of three travellers; Birkbeck, in speaking of France, says, "The partition of farms goes on from generation to generation, as the people increase in numbers, society is constantly retrograding, there is no improvement, and no hope of it." Arthur Young, whose travels through France became the means of improving the agriculture of England, and raising it to its present position, gives as strong testimony upon the subject; and the son of William Cobbett writing from France in 1823, says:--"I hear on all sides the greatest complaints of this Revolutionary Law, by its action society is disgraced in the extreme, and some persons, in spite of the Act, are returning to their ancient custom." Chancellor Kent, of the United States, says:--"Large properties continuing in the same hands, tend to the advancement and improvement of the people." The evil of the partition law in the United States has not been generally felt, because of the safety valve of the West; but in some of the older States it had been felt already; and the Legislatures of Maryland and Connecticut had been compelled to alter it, and assimilate it to the law of Scotland, giving the estate to the oldest, subject to the charge of annuities to the younger. The greatness of England was owing to its younger sons, it was they who had spread the name, the fame, and the glory of England over the world; they formed its colonies, led its armies and navies, they were its statesmen and its scholars. Yes it was the younger sons of England, that had made her great in peace and war. What would have been the younger Pitt or Fox, if, instead of being sent forth to seek their fortunes, the estate of their father had been divided? They would have been mere country squires, instead of becoming, as they did, the lights of the world. What would the Duke of Wellington have been, if the paternal estate had been divided? It was fortunate for him, for his country, and the world, that he was left with his sword in his hand, and that sword all he had. The Members of Upper Canada would be madmen to support an alteration in the law of primogeniture, an alteration which it was acknowledged by its supporters to be contrary to justice and quality, but expedient because it pleased the people.⁸⁸

M. ((R.)) MACDONALD (de Cornwall) remerciait précisément l'honorable représentant de Terrebonne de l'engagement pris par lui au nom de la repré-

sentation du Bas-Canada, savoir: de ne pas imposer une décision de la chambre au Haut-Canada contre le vœu de la majorité de ses représentants. Qu'il saura tenir compte de ces sentimens et y répondre lorsque l'occasion s'en présentera.⁸⁹ ((He)) declared that the Tories who voted for the bill and he particularly named Mr. Rykert as one, voted against their consciences in hopes that the bill would be tomahawked in the Legislative Council. They were he said anxious to shirk the responsibility of opposing it.⁹⁰ He concluded by asking the Members for Lower Canada what they would think if some Lower Canada Roblin were to arise and seek, by the votes of the Upper Canada Members, to make some vital alteration in the institutions of Lower Canada? Would not the "Quebec Debating Club" pour forth the volumes of its burning indignation? would not that House resound with cries of "Notre Langue, nos Institutions, et nos Lois!"⁹¹

MR. AYLWIN said that this question had drawn forth a good deal of political feeling, but to his mind seemed very like the dispute between the Bigendians and the Littleendians⁹², quoiqu'en principe il eut raison; rien n'empêcherait de l'éluder lors même qu'il passerait.⁹³ In Lower Canada, the law of division was avoided thus:--The parents made a deed of gift of their property to one or more children, and it was burdened with the payment of a certain amount to the others; and under the same Law, the same would be done in Upper Canada.⁹⁴ Que puisque le peuple du Haut-Canada avait une religieuse prévention pour sa vieille loi, les représentants du Bas-Canada se regarderaient comme tenus de respecter ce préjugé. Que d'ailleurs ils avaient déjà assez fait voir qu'ils étaient, en principe même, opposé à gouverner les deux sections de la province l'une par l'autre. Que l'on était, cependant, surpris du langage de M. Duggan, qui était de nature à induire les membres de la gauche à voter pour plutôt que contre le bill, dont il leur demandait pourtant le rejet. Qu'il aurait dû mieux accueillir les ouvertures de l'hon. membre pour Terrebonne, qu'il savait être si estimé et soutenu par la majorité du Bas-Canada. M. Aylwin reprit l'hon. membre pour Kingston pour ses remarques sur la France, et dit que lui M. Alywin (sic) n'aimait à entendre ainsi déprimer le caractère français, et particulièrement les Normands dont les Canadiens étaient pour la plupart des descendants; qu'il avait lui même du sang français dans les veines et était sensible aussi bien que les autree (sic) hon. représentants du Bas-Canada, aux allusions faites à nos ancêtres français.⁹⁵

MR. ((J.A.)) MACDONALD (de Kingston,) se leva alors et s'excusa en disant qu'il n'avait voulu offenser personne, et qu'il aurait cité tout autre pays aussi bien que la France.⁹⁶

M. AYLWIN repoussa alors les allusions faites par M. M'Donald (de Cornwall) à la société de discussion, et dit qu'il ne devait pas chercher à jeter du ridicule sur des membres de la gauche qui possédaient à un haut degré, l'estime de la représentation du Bas-Canada, ou que s'il le faisait il s'apercevrait qu'il manie une arme à deux tranchans. M. Alywin (sic) termine en exprimant son espoir que le ... déférence ainsi accordée par

les membres du Bas-Canada ne serait pas oublié par les représentans du Haut-Canada⁹⁷, and that they would not interfere in such questions as the Municipal Law of Lower Canada, at least for some years to come.⁹⁸

M. WILLIAMS fit quelques observations ... ((contre le bill))⁹⁹.

(220)

The question having been put on the motion of amendment, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Boulton, Chalmers, Colville, Daly, Dickson, Duggan, Dunlop, Ermatinger, Gowan, Hale, Hall, Johnston, Macdonald of CORNWALL, Macdonald of KINGSTON, Macdonell of DUNDAS, Meyers, Moffatt, Petrie, Robinson, Seymour, Sherwood of BROCKVILLE, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Stewart of BYTOWN, Stewart of PRESCOTT, Webster, and Williams. --(28.)

NAYS.

Armstrong, Aylwin, Baldwin, Berthelot, Bertrand, Cauchon, Chauveau, Christie, DeWitt, Drummond, Guillet, Jobin, Lacoste, LaFontaine, Lantier, Laurin, Laterrière, Merritt, Méthot, Morin, Powell, Price, Prince, Roblin, Small, Smith of WENTWORTH, Taché, and Thompson. --(28.)

And the votes being equally divided, Mr. Speaker gave his casting vote in the affirmative.

The question being then put on the main motion, as amended, the House divided thereon, and the names being called for, they were taken down as followeth:--

YEAS.

Aylwin, Berthelot, Boulton, Cauchon, Chalmers, Chauveau, Christie, Colville, Daly, Dickson, Duggan, Dunlop, Ermatinger, Gowan, Guillet, Hale, Hall, Jobin, Johnston, Lacoste, LaFontaine, Lantier, Laurin, Laterrière, Macdonald of CORNWALL, Macdonald of KINGSTON, Macdonell of DUNDAS, Méthot, Meyers, Moffatt, Morin, Petrie, Robinson, Seymour, Sherwood of BROCKVILLE, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Stewart of BYTOWN, Stewart of PRESCOTT, Taché, Webster, and Williams. --(43.)

NAYS.

Baldwin, DeWitt, Merritt, Powell, Price, Prince, Roblin, Small, Smith of WENTWORTH, and Thompson. --(10.)

So it was carried in the affirmative, and

Ordered, *That the said Bill be read a second time, on this day six months.*

Ordered, *That the remaining Orders of the Day be postponed until to-morrow.*

Then, the House adjourned.

FOOTNOTES - 30 JANUARY 1845.

1. The debate on this matter was reported by: MONTREAL GAZETTE, 1 February 1845, EXAMINER, 12 February 1845, and BRITISH COLONIST, 11 February 1845, in identical accounts.
2. MONTREAL GAZETTE, 1 February 1845.
3. IBID.
4. IBID.
5. IBID.
6. The debate on this matter was reported by: BRITISH COLONIST, 11 February 1845, and MONTREAL GAZETTE, 1 February 1845, in accounts which are identical except that the COLONIST's report is shorter and omits some of the speakers; MONTREAL TRANSCRIPT, 4 February 1845; LE JOURNAL DE QUEBEC, 4 February 1845; and the PILOT, 3 February 1845, whose account was copied by the BROCKVILLE RECORDER, 13 February 1845. The latter two papers also contain identical commentaries, which originated in the PILOT.
7. MONTREAL GAZETTE, 1 February 1845.
8. MONTREAL TRANSCRIPT, 4 February 1845.
9. MONTREAL GAZETTE, 1 February 1845.
10. MONTREAL TRANSCRIPT, 4 February 1845.
11. MONTREAL GAZETTE, 1 February 1845.
12. IBID.
13. MONTREAL TRANSCRIPT, 4 February 1845.
14. MONTREAL GAZETTE, 1 February 1845.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. MONTREAL TRANSCRIPT. 4 February 1845.
22. MONTREAL GAZETTE, 1 February 1845.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. IBID.
35. IBID.
36. The debate on this motion was reported by: MONTREAL GAZETTE, 1 February 1845, EXAMINER, 12 February 1845, and the GLOBE, 11 February 1845, in identical accounts; PILOT, 3 February 1845, whose account was copied by the BROCKVILLE RECORDER, 13 February 1845; and LE JOURNAL DE QUEBEC,

6 February 1845. The MONTREAL GAZETTE decided not to give more than a brief resumé of the debate "because when the subject comes up again it will be fully discussed." The PILOT, whose account is the fullest of those in any newspaper, nevertheless provides only a sketch of the debate. In particular, little reliance should be placed on the order of speakers, for the PILOT's account listed the speakers more by topic than order of delivery; i.e. first the financial part of the question was discussed in the report, then the policy of paying crown jurors at all. The debate has been reconstructed as carefully as possible, but in view of the material available the main objective was to present the content of speeches as fully as possible, in the most logical order possible, though there was no way of determining the actual order of delivery.

37. MONTREAL GAZETTE, 1 February 1845.

38. LE JOURNAL DE QUEBEC, 6 February 1845.

39. IBID.

40. PILOT. 3 February 1845.

41. IBID.

42. IBID.

43. IBID.

44. IBID.

45. IBID.

46. IBID.

47. IBID.

48. MONTREAL GAZETTE, 1 February 1845.

49. IBID.

50. PILOT, 3 February 1845.

51. The debate on this matter was reported by: ST. CATHARINES JOURNAL, 13 February 1845; LA MINERVE, 3 February 1845; MONTREAL GAZETTE, 1 February 1845, copied by BRITISH WHIG, 4 February 1845, EXAMINER, 12 February 1845, and the GLOBE, 11 February 1845, in accounts which are identical except that the GAZETTE's contains more speakers and is more detailed; PILOT, 3 February 1845, whose account was copied by the BROCKVILLE RECORDER, 13 February 1845. The ST. CATHARINES JOURNAL and the MONTREAL GAZETTE contain some speeches which are identical, and some which are completely dissimilar.

52. MONTREAL GAZETTE, 1 February 1845.

53. ST. CATHARINES JOURNAL, 13 February 1845. Sherwood was reported to have spoken "at considerable length."

54. MONTREAL GAZETTE, 1 February 1845.

55. LA MINERVE, 3 February 1845.

56. MONTREAL GAZETTE, 1 February 1845, which added: "We regret that we cannot give the Hon. gentleman's speech, but he unfortunately stands at the extreme left of the Speaker, and the Throne being between him and the Reporter's Box, and, moreover, speaking in a low tone, he is heard very indistinctly."

57. MONTREAL GAZETTE, 1 February 1845.

58. IBID.

59. IBID.

60. LA MINERVE, 3 February 1845.
61. MONTREAL GAZETTE, 1 February 1845.
62. LA MINERVE, 3 February 1845.
63. MONTREAL GAZETTE, 1 February 1845.
64. LA MINERVE, 3 February 1845.
65. MONTREAL GAZETTE, 1 February 1845.
66. LA MINERVE, 3 February 1845.
67. MONTREAL GAZETTE, 1 February 1845.
68. IBID.
69. IBID.
70. IBID.
71. IBID. LA MINERVE, 3 February 1845, misspelled the name of this speaker, identifying McConnell as Macdonell.
72. LA MINERVE, 3 February 1845.
73. MONTREAL GAZETTE, 1 February 1845.
74. IBID.
75. IBID.
76. PILOT, 3 February 1845.
77. IBID.
78. IBID.
79. IBID.
80. IBID.
81. IBID.
82. IBID.
83. LA MINERVE, 3 February 1845.
84. IBID.
85. MONTREAL GAZETTE, 1 February 1845.
86. IBID.
87. LA MINERVE, 3 February 1845.
88. MONTREAL GAZETTE, 1 February 1845.
89. LA MINERVE, 3 February 1845.
90. PILOT, 3 February 1845, which added that throughout this speech, the Tory members groaned out "'save us from our friends'."
91. MONTREAL GAZETTE, 1 February 1845.
92. IBID.
93. LA MINERVE, 3 February 1845.
94. MONTREAL GAZETTE, 1 February 1845.
95. LA MINERVE, 3 February 1845.
96. IBID.
97. IBID.
98. MONTREAL GAZETTE, 1 February 1845.
99. LA MINERVE, 3 February 1845.

FRIDAY, 31 JANUARY 1845.

(220)

Colonial-built
Shipping.

At the hour appointed Mr. Speaker and the House attended upon His Excellency, the Governor-General, with the Addresses of the House.

And being returned,

Mr. Speaker reported that the House had attended upon His Excellency, the Governor-General, with their Address to the Queen, on the subject of Colonial built shipping, and the Address to His Excellency, praying that he will transmit the said Address to Her Majesty's Government in England, to which His Excellency was pleased to make the following answer:--

Gentlemen of the Legislative Assembly,

I shall have pleasure in transmitting to Her Majesty's Secretary of State, in order that it may be laid before the Queen, your Address, in relation to Colonial built shipping.

No intimation has reached me, of any intention on the part of the Imperial Government, to impose the duties referred to.

GOVERNMENT HOUSE,
Montreal, January 31st, 845.

Petitions
brought up.

The following Petitions were severally brought up and laid on the table.

By Mr. Cummings, the Petition of Richard Graham and others, farmers, of the township of Bertie, in the district of Niagara.

By the Honourable Mr. Moffatt, the Petition of the Montreal Board of Trade, (relating to the usury laws.)

By the Honourable Mr. Robinson, the Petition of Aaron Silverthorn and James Eakins.

By Mr. Christie, the Petition of the Reverend William Anderson and others, of William Henry.

By Mr. Meyers, the Petition of R. Heney and others, members of the United Church of England and Ireland, in the town of Cobourg and its vicinity.

Canada Baptist
Missionary
Society.

An engrossed Bill, to incorporate the Canada Baptist Missionary Society, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Moffatt do carry the said Bill to the Legislative Council, and desire their concurrence.

Attachment of Salaries. An engrossed Bill, to authorize to a certain extent the seizure and attachment of official salaries towards payment of the incumbent's debts, was read for the third time.

Mr. Prince moved, seconded by Mr. Macdonell, of Stormont,

That the following engrossed Clause, marked A, be added to the said Bill by way of Ryder, and make part thereof:--

(221)

CLAUSE A.

"And be it enacted, that nothing in this Act contained shall extend, or be construed to extend, to enable creditors to seize or attach pensions payable to militia men or others out of the Consolidated Revenue of the province."

The said Clause being thrice read, and the question being put thereon, it was agreed to by the House.

Resolved, That the Bill do pass.

Ordered, That Mr. Christie do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read. Pursuant to the Order of the Day, the following Petitions were read.

Of the Reverend Louis D. Charland and others, of the parish of Rigaud, in the county of Vaudreuil; praying an aid to enable them to establish a model school in the said parish.

Of W. Morrison and others, of the township of Brandon, in the county of Berthier, praying that they may obtain titles in free and common socage, to certain lands occupied by them in the said township, as originally surveyed and marked out by Government.

Of William Evans, of Côte St. Paul, county of Montreal, praying that an agricultural survey of the Province may be made, for the purpose of ascertaining the best means of promoting agriculture.

Of Michael M'Donagh and others, of the township of Mara, in the Home District, praying for the construction of a road between the narrows

of lake Simcoe and lake Ontario.

Of Thomas M'Allister and others, of the township of Vaughan, in the Home District, praying for the appointment of a surveyor, to establish the line of the eleventh concession of the said township.

Of Conrad Frymer and Henry Merklie, trustees of the Lutheran congregation, of Williamsburg, praying compensation for their church and property which has been granted by patent to the Church of England through misrepresentation.

Petitions
referred.

Ordered, That the Petition of Robert Froste, of the city of Montreal, be referred to the Select Committee, to which was referred the Petition of the Reverend J. O. Archambeault and others, of the parishes of St. Timothée

R. Froste.

and St. Clément, and other references.

D. Daly.

Ordered, That the Petition of Daniel Daly, of the town of Cornwall, in the Eastern District,

be referred to the said Committee.

Montreal
Board of Trade.

Ordered, That the Petition of the Montreal Board of Trade, (relating to duty on distillers), be referred to the Select Committee to which

was referred the Bill to impose a duty on distillers and brewers, and on spirituous and fermented liquors made by them, and to provide for the collection of the said duties, and other references.

Ordered, That the Petition of the Montreal Board of Trade, (relating to goods sold at auction), be referred to the Special Committee to which was referred the Petition of the Mayor, Aldermen, and citizens of the city of Montreal, (relating to the Ordinances incorporating the said city, and other references.

Mr. Hale moved, seconded by Mr. Petrie,

Petition of S.
Andres of
Chambly.

That the Petition of Samuel Andres and Stephen R. Andres, of Chambly, in the district of Montreal, be referred to the Special Committee appointed to enquire into all matters and things connected

with the management and collection of dues on the Chambly canal.

The Honourable Mr. Attorney General Smith rose in his place, and informed the House, that His Excellency, the Governor General, being acquainted with the purport of the said Petition, gives his consent that the House may proceed thereon as they shall think fit.¹

MR. ATTORNEY GENERAL ((JAMES)) SMITH ... had ((previously)) concurred in Mr. Aylwin's opinion as to the illegality of the award, and he admitted that he still did so. However, the Court of Queen's Bench had decided in favour of Messrs. Andres, and it remained a question whether there should be an appeal.²

It was contended by MR. LAFONTAINE and MR. AYLWIN that the Government should come down on their responsibility and announce what they intended to do. The question was still in the Courts. If the Government were determined not to appeal, then it was their duty to ask the House for a vote of money to pay the Messrs. Andres. If on the other hand they intended to appeal, the reference to a committee could only lead to embarrassment.³

MR. LAFONTAINE ... ((claimed)) that no matter whether the committee decided in favour of or against the equity of the claim, the reference would embarrass the Government in their legal proceedings.⁴

(221)

The question being then put on Mr. Hale's motion, it was unanimously agreed to by the House, and

Ordered accordingly.

Claims on
Chambly Canal
Commission.

Ordered, That the Message of His Excellency, the Governor General, of the twenty-fourth instant, relating to certain claims against the late Commission of the Chambly canal, and allowed by the Commissioners, be referred to the said Committee.

Ordered, That Mr. Drummond and Mr. Macdonald, of Kingston, be added to the said Committee.

A Message from the Legislative Council, by John Fenning Taylor, Esquire, one of the Masters in Chancery:--

MR. SPEAKER,

The Legislative Council have passed the following Bills without any amendment:--

Board of Trade,
Toronto.

An Act to incorporate the Board of Trade of the city of Toronto.

Peace Officers,
Sherbrooke.

An Act to extend to the town of Sherbrooke, the provisions of a certain Ordinance therein mentioned, relating to the appointment of peace-officers and constables, and also to explain the jurisdiction of the General Sessions of the Peace, for the district of St. Francis.

Also,

Counties and
Districts in
Upper Canada.

The Legislative Council have passed the Bill, intituled, "An Act for better defining the limits of the counties and districts in Upper Canada;

for erecting certain new townships; for detaching townships from some counties, and attaching them to others; and for other purposes relative to the division of Upper Canada into townships, counties, and districts;" with several amendments, to which they desire the concurrence of the Legislative Assembly.

And then he withdrew.

Petition of T.
M'Allister and
others referred.

Ordered, That the Petition of Thomas M'Allister and others, of the township of Vaughan, in the Home district, be referred to the Standing Committee on private Bills.

On motion of Mr. Sherwood, of Brockville, seconded by Mr. Seymour,

Table of Fees
to Sheriffs, &c.

Resolved, That the House do now resolve itself into a Committee of the whole House, to take into consideration the propriety of establishing a table of fees, for the payment of Sheriffs, Clerks of the Peace, Constables, and other district officers, in that part of the Province called Upper Canada, for certain duties imposed by Law and for which no remuneration is allowed; and also the propriety of regulating the payment of costs in cases of Assault and Battery in the Court of Quarter Sessions.

The House accordingly resolved itself into the said Committee.

Mr. Foster took the chair of the Committee,⁵

MR. ((GEORGE)) SHERWOOD then moved a resolution, that it is expedient to establish these tables of fees and costs. He stated that the fees and costs contemplated by this resolution had hitherto been paid by a table of fees fixed by the magistrates in quarter session; but within a recent period, it had been decided⁶, with reference to the tariff established in the London District⁷, that the magistrates have no power to establish these fees and costs, unless authorised to do so by some statute. Whether the payment of officers by fees were (sic) the best mode of remunerating them, he did not know; but he did not see how any officer could be paid by a salary, except the Clerk of the Peace, and he believed that the general opinion of gentlemen of the legal profession was like his own--that fees were the best mode of payment for all district officers.⁸

MR. GOWAN opposed the motion, first, because it would increase the remuneration of district officers, which was entirely opposed to the wishes of the people; and, secondly, because he disliked the system of paying officers by fees; plain, honest farmers wished to know precisely the amount received by their public servants.⁹ He complained of the expense of the administration of justice swallowing up the whole District revenues, and said that the Clerks of the Peace in some Districts were already paid more than a reasonable allowance for their services. He was for fixed salaries¹⁰, to be paid according to a graduated scale, to depend upon the extent of the population of their several districts, in the same way as the district judges.¹¹

COL. PRINCE said that the bill was not intended to increase fees, but to pay officers for duties which at present they had no remuneration for; he thought that was nothing but justice.¹²

MR. MURNEY thought that the only effect of this resolution, was to assert the right of the district officers to be paid for their labour.¹³

DR. DUNLOP also supported the resolution.¹⁴

MR. ((HENRY)) SMITH, (Frontenac), also supported the resolution, but he did not know what would be the best mode of paying these officers, whether by salaries or fees; he himself preferred the system of fees, according to the work done; but it was quite clear to him that officers should not go without remuneration for such services, as making out assessment rolls, summoning jurors, attendance upon courts by constables, filing affidavits, and so on. Besides which there was, at present, no law to authorise the magistrates to charge costs to defendants in cases of assault and battery.¹⁵

The Solicitor General ((MR. HENRY SHERWOOD)), (West,) thought that on the question of the mode of remunerating these officers, it should be considered that the same rules did not apply to administrative as to judicial officers. With regard to the latter, there was no doubt that the system of fees was not an appropriate one, because that system had the effect of more or less prejudicing the minds of judges, and of inducing them to do things which were calculated to encourage litigation.¹⁶

MR. BALDWIN spoke in favour of the motion, but was not prepared at present to enter upon the details.¹⁷ It was necessary to establish some system which would prevent the heartburnings and jealousies that had existed between the Municipal authorities and the Magistrates by taking from the latter all discretionary power over the District funds.¹⁸

MR. GOWAN then looked over the bill, which he presumed was to follow the resolution; and commented upon the different payments to be made under it. There was the Sheriff for example; that officer had fees

for everything he did, and this bill provided for paying him additional sums, merely for sitting in the court. Then, with regard to the Clerk of the Peace, how many cases did they suppose were provided by this bill, in which fees would be payable? There were no less than seventy. He could tell the house, that in his own county the Clerk of the Peace had a grant of £300 per annum for his services; and that gentleman preferred to go back to the old system of fees, by which he got more money.¹⁹

MR. WILLIAMS thought that the scale of remuneration should be determined upon throughout the country by the magistrates at their Quarter Session; and then the tables of fees so fixed, should be submitted to the judges. The course he proposed was truly British, and equally just and reasonable.²⁰

MR. ((GEORGE)) SHERWOOD, (Brockville), said that he was quite satisfied with the method of determining the amount of fees mentioned by the gentleman who sat down; but he certainly could not see the force of the objections which had been urged by his hon. friend, the member for Leeds; he had spoken of the list of seventy cases, in which fees were to be allowed, as if those cases were to occur in every session; instead of which, there were many, which would not arise once in two or three years.²¹

MR. DUGGAN thought that the only thing which this bill would do would be this: to increase the remuneration of district officers. It was of no consequence whether public officers were paid for every act of duty or not, so long as the total amount received during the year be a sufficient remuneration for the year's work.²²

MR. ROBLIN cited the case of Division Court Clerks, some of whom got £25 for doing almost nothing, and others only £37 10s. for doing perhaps ten or twenty times as much. He was opposed to high salaries but willing to give a fair compensation to every man for his actual services.²³

MR. MERRITT also preferred the system of paying by fees. He complained of the judicial system of Upper Canada²⁴, of the vast expenses incurred in the administration of justice, which, he said, had been increased from £3000 in 1836, to £17,000 expended during the last year²⁵, and said that a school-boy who would frame such a system would be flogged for stupidity.²⁶ There is another great abuse, Mr. Speaker, said the hon. gentleman, would you believe it? there is a court actually held every year to try £5 causes.²⁷

Oh! Oh! from the legal gentlemen.²⁸

Hon. gentlemen may cry Oh! said MR. MERRITT, but I am prepared to prove what I say. I ask the Hon. gentlemen opposite whether a suit can

be brought in the District Court for an unliquidated claim over £15?²⁹

Certainly not.³⁰

Well, ((continued MR. MERRITT)) could the inferior court try suits above £15?³¹

No.³²

Very well!³³ Then, said MR. MERRITT, the difference between £10 and £15 is £5.³⁴ The district court is held for the sake of £5 causes. ((There were)) repeated shouts of laughter.³⁵

MR. ((GEORGE)) MACDONELL, of Dundas, alluded to the number of lawyers in the House ... and he said that now was the time to prove themselves friends of the people by diminishing law costs. Much was expected from them. He was in favour of bringing justice as much as possible to the door of every man.³⁶

The motion was finally adopted³⁷ .

(221)
and after some time spent therein,

(222)
Mr. Speaker resumed the chair,

And Mr. Foster reported that the Committee had come to a Resolution, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received, on Monday next.

On motion of the Honourable Mr. Solicitor-General Sherwood, seconded by the Honourable Mr. Attorney-General Smith.

Counties and
Districts in
Upper Canada.

Ordered, That the amendments made by the Legislative Council to the Bill, intituled; "An Act for better defining the limits of the counties and districts in Upper Canada; for erecting certain new townships; for detaching townships from some counties, and attaching them to others; and for other purposes relative to the division of Upper Canada into townships, counties, and districts, be now taken into consideration.

The House proceeded accordingly to take the said amendments into consideration.

And the said amendments were read, and are as followeth:--

Press 8, line 28.--Leave out the word "Montague."

" 9, " 23. After "Oneida" insert the words, and (except for the purpose of representation in the Legislative Assembly) the town of Hamilton."

And the said amendments being again read, they were agreed to by the House.

Ordered, That the Honourable Mr. Solicitor General Sherwood do carry back the said Bill to the Legislative Council, and acquaint their Honours, that this House hath agreed to their amendments.

Notarial Profession.

Ordered, That the Bill to organize the Notarial profession in that part of the province called Lower Canada, be read a second time on Thursday next.

Trinity House, Montreal.

Ordered, That the Honourable Mr. Attorney General Smith, have leave to bring in a Bill to amend and consolidate certain laws, and an ordinance, now in force, relating to the powers and duties of the corporation of the Trinity House of Montreal, to pilots and pilotage in the port of Montreal, and to the Montreal Decayed Pilot Fund, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Friday next.

Trinity House, Quebec.

Ordered, That the Honourable Mr. Attorney General Smith, have leave to bring in a Bill to amend and consolidate the laws and ordinances now in force, relating to the powers and duties of the Corporation of the Trinity House of Quebec, to pilots and pilotage in the port of Quebec, and to the Quebec Decayed Pilot Fund, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Friday next.

Voting at County Elections.

Ordered, That Mr. Macdonald, of Glengarry, have leave to bring in a Bill, to remove doubts as to the right of any person to vote at any county election in Upper Canada, upon property lying in any city or town represented in the Provincial Parliament.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time, and ordered to be read a second time, on Wednesday, the fifth of February next.

Winter Roads.

Ordered, That Mr. Laurin have leave to bring a Bill to repeal two certain ordinances therein mentioned, relating to winter roads, in that part of the Province heretofore Lower Canada, in so far as regards the district of Quebec, the Inferior district of Gaspé, and that part of the district of Three Rivers which extends from the district of Quebec to the parish of Nicolet, on the south side of the River St. Lawrence, and to the town of Three Rivers inclusively on the north sides.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Wednesday next.

Elementary Instruction.

Ordered, That the Honourable Mr. Papineau have leave to bring in a Bill to make better provision for elementary instruction in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Friday next.

Toronto incorporation.

The Order of the Day for the second Reading of the Bill to amend the Act of Incorporation for the city of Toronto, by providing for the establishment of a Court of Record therein, to be called the Recorder's Court, in lieu of the Mayor's Court now established therein--by providing that the Recorder shall preside over the Division Court for the recovery of small debts within the said city and liberties, and by vesting in the Mayor, Aldermen, and Commonalty of the said city, the power of laying out and opening new streets within the limits of the said city and liberties, and making a better and more convenient division of the said city into Wards, and for other purposes connected therewith, being read,³⁸

MR. SOLICITOR GENERAL ((HENRY)) SHERWOOD ... stated, by the provisions of the bill the salary of the Recorder should be fixed at £500 a year.³⁹

(222)

The said Bill was accordingly read and committed to a Committee of the whole House, on Tuesday next.

Geological Survey.

The Order of the Day for the second reading of the Bill to make provision for a Geological Survey of this Province, being read,

The said Bill was accordingly read, and ordered to be engrossed.

Elections
Lower
Canada.

The Order of the Day for the second reading of the Bill to repeal certain Acts therein mentioned, and to regulate elections in Lower Canada, of Members of the Legislative Assembly, being read,

Ordered, *That the said Bill be read a second time, on Thursday next.*

Niagara
Incorporation.

The Order of the Day for the second reading of the Bill to incorporate the town of Niagara, and to establish a Police therein, being read,

Ordered, *That the said Bill be read a second time on Thursday next.*

Roman
Catholic
Bishops.

The Order of the Day for the second reading of the Bill to incorporate the Roman Catholic Bishops of Toronto and Kingston in Canada, in each diocese, being read,

The said Bill was accordingly read and committed to a Committee of the whole House, on Wednesday next.

(223)

French
Language.

The Order of the Day for taking into consideration a motion made on the twentieth of December last, viz:--"That an humble Address be presented to Her Majesty, renewing the expression of the faithful attachment of this House to Her Majesty's person and Government; setting forth, that sensible of the advantages we enjoy from Her Majesty's care and protection, and which this House trusts may long be continued to us, under Her Majesty's paternal sway: it is at all times the duty of this House to submit, for Her Majesty's most gracious consideration, such matters as may have a tendency with any class of Her Majesty's subjects, to diminish that contentment, which this House is well assured Her Majesty desires should exist in every portion of Her Majesty's dominions:"--

Representing that the French is the native language of a very large class of Her Majesty's subjects in this Province; of this class the great mass indeed speak no other language. In it the largest portion of their laws and the books on their system of jurisprudence are written--their daily intercourse with each other is conducted; it is the language in which alone they can invoke the blessings of Heaven on themselves and all that is dear to them. A language indispensable to so many of Her Majesty's faithful people, cannot, they will believe, be viewed by their Sovereign as foreign, when used by them.

Stating that Her Majesty's Royal predecessors placed the languages spoken by the two great classes of Her Majesty's subjects in this Province, on the same footing; affording, in this respect, equal justice and equal facility to all.

Pointing out that this principle was never departed from until the Act re-uniting these Provinces was passed; that this House do not question that the best intentions and designs influenced the minds of those who enacted the provision which declared:

"That all writs, proclamations, instruments for summoning and calling together the Legislative Council and Legislative Assembly of the Province of Canada, and for proroguing and dissolving the same, and all writs of Summons and Election, and all writs and public instruments whatever relating to the said Legislative Council and Legislative Assembly, or either of them, and all returns to such writs and instruments, and all journals and entries, and written or printed proceedings of what nature soever of the said Legislative Council and Legislative Assembly, and of each of them respectively, and all written or printed proceedings and reports of Committees of the said Legislative Council and Legislative Assembly, respectively, shall be in the English language only."

Stating that in the very first Session of the Legislature, under that Act, it was indispensable to translate into French every public record and document. That the debates were not and could not, unless a portion of the Representatives of the people were silenced, be carried on without its use; that in Courts and judicial proceedings it was found equally necessary as before the Union; and for every other practical purpose, it is as much used as it ever has been.

Urging, that the only distinction which exists then, is, that the French is not permitted to be the legal language of Parliamentary records; a distinction of little value perhaps in itself,--one which cannot produce any beneficial result on the feelings or habits of the people using it; while it gives rise to a feeling among them injurious to the peace and tranquility of the Province, namely, that this limited proscription of their language conveys, however undesignedly, an imputation of unfavourable distinction towards themselves.

Representing, that desirous that the hearts of all men in this Province may be joined in unity, in their attachment to and support of Her Majesty's person and Government, this House humbly Petition Her Majesty to endeavour to remove this cause of discontent, and to recommend to Her Imperial Parliament the repeal of that portion of the law which has given rise to it; assuring Her Majesty that such a course will be hailed, by Her Majesty's loyal Canadian people, as an additional mark of Her solicitude for their welfare, being read,

*The House proceeded accordingly to take the said motion into consideration.*⁴⁰

M. PAPINEAU en parlant de la motion dit qu'il ne pense pas que le gouvernement imperial n'ait ... ((aucune)) objection à cet amendement dans le bill d'Union, et pour preuve il lut en français partie d'une dépêche du Secrétaire Colonial adressée à Lord Gosford par laquelle il apparaissait que le gouvernement impérial ne croyait pas qu'on dut en aucune façon intervenir dans la langue des franco-canadiens: M. Papineau fit aussi voir qu'il était facile de remarquer que la partie anglaise de la chambre et du peuple n'avaient pas d'objection contre l'amendement, preuve évidente de leur bonnes intentions envers ses compatriotes.⁴¹

MR. ATTORNEY GENERAL ((JAMES)) SMITH was sure that the motion would be received with the greatest satisfaction by the whole House; and that in this instance there could be no difference of opinion between members on either side of the House, and that the motion would be received with equal favour by both sides of the House.⁴²

DR. DUNLOP said there was something so reasonable and just in the motion, that he hoped it would not come to the vote, but be carried by acclamation.⁴³

Cries of 'Yes, yes.'⁴⁴

The whole House immediately rose amid a great clapping of hands.⁴⁵

(223)

And the said motion being again read, and the question of concurrence being put thereon, it was unanimously agreed to by the House, and

Resolved, That an humble Address be presented to Her Majesty, renewing the expression of the faithful attachment of this House to Her Majesty's person and Government; setting forth, that sensible of the advantages we enjoy from Her Majesty's care and protection, and which this House trusts may long be continued to us under Her Majesty's parental sway: it is at all times the duty of this House to submit for Her Majesty's most gracious consideration, such matters as may have a tendency, with any class of Her Majesty's subjects, to diminish that contentment which this House is well assured Her Majesty desires should exist in every portion of Her Majesty's dominions.

Representing, that the French is the native language of a very large class of Her Majesty's subjects in this Province; of this class the great mass indeed speak no other language. In it the largest portion of their laws and the books on their system of jurisprudence are written, their daily intercourse with each other is conducted; it is the language in which alone they can invoke the blessings of Heaven

on themselves and all that is dear to them. A language indispensable to so many of Her Majesty's faithful people, cannot, they will believe, be viewed by their Sovereign as foreign, when used by them.

Stating, that Her Majesty's Royal predecessors placed the languages spoken by the two great classes of Her Majesty's subjects in this Province, on the same footing; affording, in this respect, equal justice and equal facility to all.

Pointing out, that this principle was never departed from until the Act reuniting these Provinces was passed; that this House do not question that the best intentions and designs influenced the minds of those who enacted the provision which declared:

"That all writs, proclamations, instruments for summoning and calling together the Legislative Council and Legislative Assembly of the Province of Canada, and for proroguing and dissolving the same, and all writs of Summons and Election, and all writs and public instruments whatever relating to the said Legislative Council and Legislative Assembly, or either of them, and all returns to such writs and instruments, and all journals and entries, and written or printed proceedings of what nature soever of the said Legislative Council and Legislative Assembly, and of each of them respectively, and all written or printed proceedings and reports of Committees of the said Legislative Council and Legislative Assembly, respectively, shall be in the English language only."

Stating, that in the very first Session of the Legislature, under that Act, it was indispensable to translate into French every public record and document. That the debates were not, and could not, unless

(224)

a portion of the representatives of the people were silenced, be carried on without its use; that in Courts and judicial proceedings it was found equally necessary, as before the Union; and for every other practical purpose, it is as much used as it ever has been.

Urging, that the only distinction which exists then, is, that the French is not permitted to be the legal language of Parliamentary records; a distinction of little value perhaps in itself,--one which cannot produce any beneficial result on the feelings or habits of the people using it; while it gives rise to a feeling among them injurious to the peace and tranquility of the Province, namely, that this limited proscription of their language conveys, however undesignedly, an imputation of unfavourable distinction towards themselves.

Representing, that desirous that the hearts of all men in this Province may be joined in unity, in their attachment to, and support of Her Majesty's person and Government, this House humbly petition Her

Majesty to endeavour to remove this cause of discontent, and to recommend to Her Imperial Parliament the repeal of that portion of the law which has given rise to it; assuring Her Majesty that such a course will be hailed, by Her Majesty's loyal Canadian people, as an additional mark of Her solicitude for their welfare.

Resolved, That a Select Committee, composed of the Honourable Mr. Papineau, the Honourable Mr. Attorney General Smith, the Honourable Mr. Moffatt, the Honourable Mr. LaFontaine, and the Honourable Mr. Morin, be appointed to prepare and report the draught of an humble Address to Her Majesty, in conformity with the foregoing resolution.

Wild Fowl protection.

The Order of the Day for the second reading of the Bill to protect Wild Fowl, and to prevent them from being destroyed at improper seasons of the year, being read,

Ordered, That the said Bill be read a second time, on Wednesday next.

Humber Harbour.

The Order of the Day for the second reading of the Bill to incorporate certain persons, under the name and style of the President, Directors, and Company of the Humber Harbour and Road Company, being read,

The said Bill was accordingly read, and referred to the Standing Committee on Private Bills.

Clergy voting at Elections.

The Order of the Day for the second reading of the Bill to repeal that portion of the Act therein mentioned, which prevents members of the clergy from voting at elections of Members to serve in the Legislative Assembly of this Province, being read,

The said Bill was accordingly read, and committed to a Committee of the whole House.

Mr. Dunlop took the chair of the Committee,⁴⁶

MR. LAURIN moved that a clause to the effect that no clergyman receiving a salary from government should be allowed to vote; should be added to the bill.⁴⁷

Seconded by MR. LANTIER.⁴⁸

M. PRINCE était d'opinion que les membres du clergé ne devaient pas s'occuper d'élections et de politique, que cela ne cadrerait pas avec leur profession.⁴⁹

MR. ((J. S.)) MACDONALD, of Glengarry, objected to this ... and stigmatized it as being an unfair and iniquitous proceeding; that it would have the effect of excluding nearly the whole of the clergy in Upper Canada⁵⁰, que le bill avait pour but ostensible de réhabiliter dans leur droit de vote⁵¹, from the elective franchise, as it was well known that most of the clergy, particularly those of the churches of England and Scotland, were paid by Government, whereas the Roman Catholic clergy of Lower Canada, not being so paid, would be all entitled to vote.⁵² Qu'en principe il était douteux que le bill fut bon; car l'on savait que les ministres de la religion exerçaient plus ou moins d'influence sur leurs ouailles, que s'il ne leur était pas permis de voter ouvertement il était à craindre qu'ils n'usassent de leur influence pour les porter à faire valoir leurs vues.⁵³

MR. ((R.)) MACDONALD (de Cornwall) était en faveur du principe du bill, mais s'opposait à ce que l'amendement fut retiré⁵⁴. ((He)) ... stated that the motion if carried, would have the effect of excluding a very large number of the clergy. He believed that the bill now before the house was to remove any obstacle to their voting, whereas, as he had already said, it would, as far as Upper Canada goes, have a contrary effect. Should such a measure pass it would cause more bad feeling and heart-burning than any thing which had been contemplated in that house.⁵⁵ Il voulait savoir quel était celui qui était au fonds de cet amendement, se doutant fort qu'un autre que le proposant en était l'auteur. Il attaqua ensuite l'ex-ministère qu'il accusa d'avoir été l'auteur de la disqualification des ecclésiastiques.⁵⁶

MR. BALDWIN ... denied having had anything to do with it⁵⁷. If the amendment had the effect of excluding those Clergy just spoken of, he could not agree to it; but he conceived that his hon. friend, Mr. Laurin, merely intended to exclude persons directly paid by Government, such as chaplains, &c., who might properly be considered government officers.⁵⁸ He suggested the withdrawal of the clause.⁵⁹ Mr. Baldwin, would not support the amendment if it was meant to exclude any others; ... he was in favour of allowing the whole of the clergy to vote, and ... although a member of the former administration he did not approve of that clause in the act passed last session which disfranchised the clergy.⁶⁰ The amendment had been introduced in the Legislative Council, and he thought that the late ministry pursued the wisest course in not risking the fate of a bill which he looked upon as of the greatest importance.⁶¹

M. MORIN était d'opinion qu'on ne devait pas confondre l'ordre religieux avec l'orde (sic) judiciaire, avec les juges par exemple, que des raisons d'Etat voulaient éloigner de la vie politique. Qu'il serait sans doute préférable que les ministres des cultes s'en abstinssent (sic), à cause du caractère spécial de leur mission, mais que comme ils ne demandaient pas eux-mêmes d'être exclus de la franchise électorale, on ne devait pas les en priver malgré eux; on devait les

laisser en liberté persuadé qu'ils sentiraient eux-mêmes la convenance d'en user avec discrétion.⁶² The same reason given excluding certain officers under the government from voting, should apply to the clergy, who were paid by the government, and were in an exactly similar position.⁶³ M. Morin était fâché que l'hon. membre pour Cornwall eut voulu faire des insinuations aussi injustes, et que surtout après les embrassades que s'étaient données les deux côtés de la chambre ce soir là on se serait attendu à autre chose de la part de la droite. M. Morin termina en expliquant l'opération du bill de la session dernière, faisant voir que ce bill n'avait eu en vue que les intérêts publics, et que rien n'empêchait d'en corriger les defectuosités, s'il s'en trouvaient, comme cela arrive souvent dans les détails des meilleures mesures.⁶⁴

MR. HALL spoke shortly against the motion.⁶⁵

MR. COLVILLE said that he did not believe it to be the intention of the member for Lotbiniere to make his amendment so sweeping, but if it passed, it would certainly have the effect of excluding a great number of the clergy.⁶⁶

MR. LAURIN begged leave to withdraw his motion⁶⁷ .

The house allowed ((this)).⁶⁸

MR. PRICE ... moved the insertion of a proviso, that it should not be lawful for a clergyman to vote upon any land, glebe, or estate, which he held and enjoyed by virtue of his office⁶⁹ , but that he must be properly qualified as a freeholder, in his own right, to entitle him to a vote.⁷⁰

MR. ((HENRY)) SHERWOOD and MR. MOFFATT both attacked Mr. Baldwin ... insisting that the ((former)) ministry were responsible for the amendment in the ((Independence of Parliament)) Bill.⁷¹

MR. MOFFATT stated that this amendment was even more illiberal than that proposed by Mr. Laurin, as it would have the effect of depriving ... most of the clergy in Upper Canada of their right of voting. He was surprised to hear from the hon. gentleman, Mr. Baldwin, that he knew nothing of the clause in the bill of last session which prevented clergymen from voting; he was more surprised at this from the fact of the hon. gentleman having been a member of the late administration, and such a great stickler for responsible government.⁷²

MR. ((R.)) MACDONALD (of Cornwall), said that the motion introduced by Mr. Price was a direct attack upon the Church of England, and that he (Mr. McDonald) as a member of the Church of Scotland, was more liberal towards that Church, and that Mr. Price, (who he believed was a member of the Church of England) appeared to be much more intolerant.⁷³

MR. PRICE denied that he was intolerant, and said that he was an advocate for, and a subscriber to, churches of all denominations.⁷⁴

MR. BALDWIN did not see that there could be any objection to this amendment, and that it would affect other Churches besides that of England. He thought that the Methodists and others would suffer as much as the Church of England by the amendment, if carried.⁷⁵

MR. JOHNSTON said, that it was a most illiberal measure, and meant as a cut at the fifty-seven rectories established in Upper Canada.⁷⁶

MR. ROBLIN ... spoke on the subject ... in favour of the amendment⁷⁷.

MR. MURNEY spoke ... against it.⁷⁸

The Solicitor General ((MR. HENRY)) SHERWOOD commenced by stating that the effect of the amendment could not be viewed in any other light than that of preventing ministers of the Church of England from voting, for that unless a clergyman could swear that he was possessed in his own right of a 40s. freehold, he would be unable to vote. The amendment was meant to exclude the clergy of that church, and particularly the fifty-seven rectors.⁷⁹

MR. PRICE.--Certainly.⁸⁰

MR. ((HENRY)) SHERWOOD explained that no other clergymen but those of the Church of England held property of this nature that they could vote on. The Presbyterians, Methodists and others held property of this kind in the name of trustees, so that there could be no vote.⁸¹ The principle was bad. To prevent a clergyman from the legitimate exercise of his right in political matters, would only lead him to exercise his influence over his congregation in some other way. To pass a law of such a character as this would make a clergyman a party man at once, and he would be much more active in exercising his influence over his neighbours than if he were permitted to vote as he pleased. He was an advocate for allowing them all to vote. For himself he could say that he had been in several contested elections, but that no minister of his own church (England) had ever voted for him, but that in one instance two waggon loads of clergymen had voted against him.⁸² ((He)) ... accused Mr. Price of being actuated by a feeling of hostility to that church, and of having introduced the measure only with the object of weakening it. ... He called on the House to resist so tyrannous and unjust an exclusion.⁸³

MR. PRICE did not deny the main charge, but talked ... about his conscience and sense of justice.⁸⁴

MR. WILLIAMS ... said a few words against the motion.⁸⁵ ((He said

that in England)) the Rectors ((have)) a freehold estate in the rectories⁸⁶ .

MR. ROBINSON ... said a few words against the motion.⁸⁷

MR. LAFONTAINE explained that in Lower Canada ... ((such votes)) would not be considered as good, but he⁸⁸ fit observer que ce n'était pas le moment de discuter le mérite de la question.⁸⁹ It would be more proper to bring it forward when a bill for fixing the electoral qualifications came before the House.⁹⁰ Que si le bill tel qu'amendé avait pour but de défranchiser les membres du clergé du Haut-Canada ainsi qu'on le prétendait, il votera (sic) contre; mais il pouvait dire de suite que ce bill n'aurait pas l'effet d'opérer à l'encontre du clergé du Bas-Canada.⁹¹

MR. BOULTON and MR. PRICE both rose amidst loud cries of question! question! and all we could hear was that Mr. Boulton said, it was a stab at the Church, and he was surprised to find Mr. Baldwin, who was a member of that Church, among its bitterest opponents.⁹²

((MR. BALDWIN)) declared himself a member of the Church of England, and was as much attached to that Church as the hon. member opposite, although he had not the honour of being her champion in this House. He was a member of that Church from conscientious motives because he believed her doctrine and discipline to be apostolical. In this he might be mistaken but believing it he was anxious to see other bodies of Protestants brought within her pale, and he therefore regretted that a course had been taken calculated to produce a diametrically opposite effect⁹³. He might be mistaken as to the best means of advancing its interest, but that he was persuaded the course adopted in Upper Canada for some years past had not tended to strengthen it.⁹⁴ He mourned over the course taken by that church which had produced heart-burnings and jealousies, and he would tell the hon. gentleman opposite who was her champion in this House that if the petition which he had presented from the Bishop and laity should be granted the best interests of that church in Upper Canada would be prostrated in the dust.⁹⁵

MR. BOULTON rose to reply and was proceeding ... to deny Mr. Baldwin's claim to be an attached member of the Church of England⁹⁶ .

((MR. BOULTON)) was assailed by a general cry of "question question" ((from)) both sides of the House⁹⁷ .

The Chairman ((DR. DUNLOP)) ... restored order⁹⁸ .

The amendment was put and lost by an immense majority, only five or six voting for it.⁹⁹

(224)

and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Dunlop reported, that the Committee had gone through the Bill, without making any amendment thereto, and the report was again read at the Clerk's table.

Ordered, That the said Bill be engrossed.

Registry Laws
of Upper Canada.

The Order of the Day for the House in Committee on the Bill to alter and amend the Registry Laws of that part of this Province, which was formerly Upper Canada, being read,

Ordered, That the said Order of the Day be postponed until Thursday next, and that it be the first Order of the Day.

Relief of Religious Societies.

The Order of the Day for the House in Committee on the Bill to extend the provisions of a certain Act of Parliament of the Province of Upper Canada, passed in the ninth year of the reign of His late Majesty, King George the Fourth, intituled "An Act for the relief of the Religious Societies therein mentioned," to other denominations of Christians than those therein enumerated, being read,

The House accordingly resolved itself into the said Committee.

The Honourable Mr. Robinson took the chair of the Committee,¹⁰⁰

The hon. member ((MR. WILLIAMS)) explained that it was his intention to propose the striking out of the test clause. (Hear, hear.) It had been introduced solely with a view of facilitating the passage of the Bill through the Legislative Council by which body it had been rejected twice. He would however try it once more without a test, in the shape he had originally introduced it.¹⁰¹

MR. BALDWIN explained that the Legislative Council as he understood did not require any test but merely desired to create some tribunal to determine whether the parties availing themselves of the Act were those contemplated by it. He had supported the bill formerly in its present shape and voted against the Council amendments. As the clause imposing the test was withdrawn it was unnecessary for him to occupy the time of the committee in shewing the futility of such restriction which had long since been done away with in England. He had also, he said, a petition in his hand against the test clause signed by a number of Protestant Clergymen in this city¹⁰².

The Bill then went through committee without opposition¹⁰³ .

(224)

and after some time spent therein,

Mr. Speaker resumed the chair,

And the Honourable Mr. Robinson reported, that the Committee had gone through the Bill, and had made an amendment thereto; which amendment was again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

Ordered, That the remaining Orders of the Day be postponed until Monday next.

Then, the House adjourned until Monday next.

APPENDIX, 31 JANUARY 1845.

((NOTICE OF PROPOSED MOTION.))¹⁰⁴

The Attorney General ((MR. JAMES SMITH)) rose to give notice of his intention to bring in a Bill on Monday next, to provide some means for the preservation of the lives and properties of her Majesty's subjects on the lines of public works.¹⁰⁵

((QUESTION AND ANSWER RE: ROUGE HILL AND BRIDGE IN HOME DISTRICT.))

((MR. SMALL made an enquiry.))¹⁰⁶

In answer ... MR. ATTORNEY GENERAL ((JAMES)) SMITH announced that an appropriation would be asked by Government for the Rouge Hill and Bridge in the Home District.¹⁰⁷

FOOTNOTES - 31 JANUARY 1845.

1. The debate on this matter was reported by: PILOT, 3 February 1845, whose account was copied by the BROCKVILLE RECORDER, 13 February 1845. The RECORDER also contains a commentary.
2. PILOT, 3 February 1845.
3. IBID.
4. IBID.
5. The debate on this matter was reported by: ST. CATHARINES JOURNAL, 13 February 1845, and BRITISH COLONIST, 14 February 1845, in accounts which are identical except that of the COLONIST is longer; GLOBE, 11 February 1845, MONTREAL GAZETTE, 4 February 1845, BRITISH WHIG, 7 February 1845, and BRITISH COLONIST, 11 February 1845, in identical accounts; PILOT, 3 February 1845; and LE CANADIEN, 7 February 1845.
6. BRITISH COLONIST, 14 February 1845.
7. PILOT, 3 February 1845.
8. BRITISH COLONIST, 14 February 1845.
9. IBID.
10. PILOT, 3 February 1845.
11. BRITISH COLONIST, 14 February 1845.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. PILOT, 3 February 1845.
19. BRITISH COLONIST, 14 February 1845.
20. IBID.
21. IBID.
22. IBID.
23. PILOT, 3 February 1845.
24. IBID.
25. BRITISH COLONIST, 14 February 1845.
26. PILOT, 3 February 1845.
27. BRITISH COLONIST, 14 February 1845.
28. PILOT, 3 February 1845. The BRITISH COLONIST, 14 February 1845, reports that they cried "No, no" rather than "Oh! Oh!"
29. PILOT, 3 February 1845.
30. IBID.
31. BRITISH COLONIST, 14 February 1845.
32. IBID.
33. IBID.
34. PILOT, 3 February 1845.
35. BRITISH COLONIST, 14 February 1845.
36. PILOT, 3 February 1845.
37. IBID.
38. The debate on this Bill was reported by: LE CANADIEN, 7 February 1845; and the GLOBE, 11 February 1845, MONTREAL GAZETTE, 4 February 1845, BRITISH WHIG, 7 February 1845, and BRITISH COLONIST, 11 February 1845,

in identical accounts.

39. BRITISH COLONIST, 11 February 1845.

40. The debate on this motion was reported by: BRITISH COLONIST, 11 February 1845, MONTREAL GAZETTE, 4 February 1845, BRITISH WHIG, 7 February 1845, and the GLOBE, 11 February 1845, in accounts which are identical except that of the GLOBE is somewhat shorter and omits some speakers entirely; PILOT, 3 February 1845, whose account was copied by the BROCKVILLE RECORDER, 13 February 1845; LE CANADIEN, 7 February 1845; LE JOURNAL DE QUEBEC, 6 February 1845; L'AUREOLE, 4 February 1845; CHATHAM GLEANER, 11 February 1845; LA MINERVE, 6 February 1845; and ST. CATHARINES JOURNAL, 13 February 1845. There are commentaries in the PILOT, 3 February 1845, which were copied by the BROCKVILLE RECORDER, 13 February 1845. The GAZETTE is often very difficult to read, and therefore the COLONIST has been used instead. LA REVUE CANADIENNE, 8 February 1845, also contains a commentary.

41. L'AUREOLE, 4 February 1845.

42. BRITISH COLONIST, 11 February 1845.

43. ST. CATHARINES JOURNAL, 13 February 1845.

44. CHATHAM GLEANER, 11 February 1845.

45. ST. CATHARINES JOURNAL, 13 February 1845.

46. The debate on this Bill was reported by: BRITISH COLONIST, 11 February 1845, MONTREAL GAZETTE, 4 February 1845, BRITISH WHIG, 7 February 1845, and GLOBE, 11 February 1845, in accounts which are identical, except that of the GAZETTE is longer, and the COLONIST and GLOBE omit some speakers; LE CANADIEN, 7 February 1845; PILOT, 3 February 1845; ST. CATHARINES JOURNAL, 13 February 1845; LA MINERVE, 6 February 1845; and CHATHAM GLEANER, 11 February 1845. The GAZETTE is nearly illegible in parts, so wherever possible the COLONIST or GLOBE are used when selections are chosen from the identical reports they contain.

47. CHATHAM GLEANER, 11 February 1845.

48. IBID.

49. LA MINERVE, 6 February 1845.

50. BRITISH COLONIST, 11 February 1845, which reported that Macdonald spoke "in a very energetic manner".

51. LA MINERVE, 6 February 1845.

52. BRITISH COLONIST, 11 February 1845.

53. LA MINERVE, 6 February 1845.

54. IBID.

55. BRITISH COLONIST, 11 February 1845.

56. LA MINERVE, 6 February 1845. The PILOT, 3 February 1845, noted that during his allusions to the real author of Laurin's amendment, he gave "a very significant glance at Mr. Baldwin." The PILOT also described Macdonald as appearing "to be in a state of excitement" and styled his speech a "flaming" one.

57. PILOT, 3 February 1845.

58. BRITISH COLONIST, 11 February 1845.

59. PILOT, 3 February 1845.

60. BRITISH COLONIST, 11 February 1845.

61. PILOT, 3 February 1845.

62. LA MINERVE, 6 February 1845.
63. BRITISH COLONIST, 11 February 1845.
64. LA MINERVE, 6 February 1845.
65. GLOBE, 11 February 1845.
66. IBID.
67. BRITISH COLONIST, 11 February 1845.
68. IBID.
69. CHATHAM GLEANER, 11 February 1845.
70. BRITISH COLONIST, 11 February 1845.
71. PILOT, 3 February 1845. Messrs. Sherwood and Moffatt are reported together because there is no way of distinguishing the remarks of one from the remarks of the other.
72. BRITISH COLONIST, 11 February 1845.
73. IBID.
74. IBID.
75. IBID.
76. IBID.
77. IBID.
78. IBID.
79. IBID.
80. IBID.
81. PILOT, 3 February 1845.
82. BRITISH COLONIST, 11 February 1845.
83. CHATHAM GLEANER, 11 February 1845.
84. IBID.
85. BRITISH COLONIST, 11 February 1845.
86. PILOT, 3 February 1845.
87. BRITISH COLONIST, 11 February 1845.
88. PILOT, 3 February 1845.
89. LA MINERVE, 6 February 1845.
90. BRITISH COLONIST, 11 February 1845.
91. LA MINERVE, 6 February 1845.
92. BRITISH COLONIST, 11 February 1845.
93. PILOT, 3 February 1845.
94. BRITISH COLONIST, 11 February 1845.
95. PILOT, 3 February 1845.
96. IBID.
97. IBID.
98. BRITISH COLONIST, 11 February 1845.
99. IBID. However, the PILOT, 3 February 1845, reported that about 8 to 10 members voted for the amendment, adding that "the names were not taken down."
100. This bill was "to enable Christians of all denominations in Upper Canada to hold lands for Chapels, burying grounds &c." according to the PILOT, 3 February 1845.
101. PILOT, 3 February 1845.
102. IBID., which surmised that the signatories were Revs. Cramp, Girdwood, Strong and others.

103.PILOT, 3 February 1845.

104.A report of this notice was contained in: BRITISH COLONIST, 11 February 1845, BRITISH WHIG, 7 February 1845, and MONTREAL GAZETTE, 4 February 1845, in identical accounts; LE CANADIEN, 7 February 1845; and ST. CATHARINES JOURNAL, 13 February 1845.

105.BRITISH COLONIST, 11 February 1845.

106.PILOT, 3 February 1845.

107.IBID.

MONDAY, 3 FEBRUARY 1845.

(224)

Petitions
brought up.

THE following Petitions were severally brought up and laid on the table:--

By the Honourable Mr. Laterrière, the Petition of J. Birch and others, of the city of Quebec.

By Mr. Hall, the Petition of William H. Moore and others, of the district of Colborne.

By Mr. Smith, of Wentworth, the Petition of Mrs. Dorothy E. Spaun, of the town of Hamilton, in the district of Gore, widow of the late Jacob Spaun.

By Mr. Roblin, the Petition of Jacob Rombough and others, of the townships of Camden and Ernest-town; and the Petition of John Black and others, occupants of Clergy Reserves in the township of Camden, in the Midland District.

By the Honourable Mr. Moffatt, the Petition of the Board of the Royal Institution for the advancement of Learning.

By Mr. Christie, the Petition of James Perchard, Abraham Coffin, and others, of Gaspé Bay, engaged in the Whale, Cod, and other fisheries, of the Gulf of St. Lawrence.

By Mr. Williams, the Petition of Alexander Ferguson and others, of the township of Mariposa, in the district of Colborne.

By Mr. Watts, the Petition of Levi Cleveland and others, of the townships of Kingsey, Shipton, and Tingwick.

By Mr. Chauveau, the petition of F. X. Lachance and other pilots for the river St. Lawrence, in and below the harbour of Quebec.

By Mr. Gowan, the Petition of John Kilborn and others, proprietors of lands on the Rideau Canal, in Crosby and other townships, in the district of Johnstown.

(225)

By Mr. M'Connell, the Petition of David Connell and others, of Hatley and vicinity, in the district of St. Francis.

By Mr. Smith, of Frontenac, the Petition of Alexander M'Gregor, late Sergeant in Her Majesty's 71st Highland Regiment of Light Infantry.

Clergy voting
at Elections.

An engrossed Bill to repeal that portion of the Act therein mentioned, which prevents members

of the Clergy from voting at elections of Members to serve in the Legislative Assembly of this Province, was read for the third time.

MR. PRICE said, that in moving an addition in this Bill, he hoped that hon. gentlemen would give him that credit for sincerity, which alone actuated him.¹

(225)

Mr. Price moved, seconded by Mr. DeWitt,

That the following clause be added to the said Bill, and make part thereof:--

Provided always, that it shall not be lawful for any clergyman, priest, or minister, of any religious denomination to vote at any election for a Member, or Members, of the Provincial Legislature upon any land, glebe, or estate, which he may hold, use, occupy, or enjoy, in virtue of his Office, Clerical duties, or Ministerial functions.

MR. JOHNSTON and DR. DUNLOP opposed the amendment.²

MR. CHRISTIE thought it would be very disingenuous to insert a clause of this nature in a Bill which pretended to restore to clergymen the rights which they enjoyed previous to the passage of the act of which this was an amendment.³

(225)

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down, as followeth:--

YEAS.

Baldwin, Bertrand, Chauveau, DeWitt, Jobin, Lacoste, Lantier, Morin, and Price.--(9.)

NAYS.

Armstrong, Berthelot, Boulton, Brooks, Cauchon, Chalmers, Christie, Cummings, DeBleury, Desautier, Duggan, Dunlop, Ermatinger, Foster, Gowan, Greive, Guillet, Hall, Jessup, Johnston, LaFontaine, Laurin, Laterrière, Leslie, Macdonald of CORNWALL, Macdonald of GLENGARRY, Macdonell of DUNDAS, M'Connell, Moffatt, Papineau, Powell, Roblin, Seymour, Sherwood of BROCKVILLE, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Smith of WENTWORTH, Stewart of PRESCOTT, Taché, Taschereau, Thompson, Watts, Webster, and Williams.--(45.)

So it passed in the negative.

Resolved, That the Bill do pass.

Ordered, That Mr. Laurin do carry the said Bill to the Legislative Council, and desire their concurrence.

Geological Survey.

An engrossed Bill to make provision for a Geological Survey of this Province was read for the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Attorney General Smith do carry the said Bill to the Legislative Council, and desire their concurrence.

Religious Societies.

An engrossed Bill, to extend the provisions of a certain Act of Parliament of the Province of Upper Canada, passed in the ninth year of the reign of His late Majesty, King George the Fourth, intituled, "An Act for the relief of the religious societies therein mentioned," to other denominations of Christians than those therein enumerated, was read for the third time.

Mr. Williams moved, seconded by the Honourable Mr. Baldwin, That the Bill do pass, and the title be, "An Act to extend the provisions of a certain Act of the Parliament of the Province of Upper Canada, (passed in the ninth year of the reign of His late Majesty, King George the Fourth, intituled, 'An Act for the relief of the religious societies therein mentioned,') to other denominations of Christians than those therein enumerated."

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative, and

Resolved, Accordingly.

Ordered, That Mr. Williams do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the Day the following Petitions were read:--

Of the Reverend Edward Denroche and others, members of the United Church of England and Ireland, in the town of Brockville; and of R. Heney and others, members of the United Church of England and Ireland, in the town of Cobourg and its vicinity; praying for the repeal of the Common School Act, and the adoption of some system under which religious

instruction may be provided.

Of William Ketcheson, junior, and others, of the county of Hastings; praying for the repeal of the Municipal Council Act; the Common School Act; and the Act relating to the collection of Small Debts.

Of Bayes M. Eddy, and others, of the township of Haldimand, in the district of Newcastle, praying for the repeal of the existing Division Court Act, and for the passing of a law based on the Court of Requests Act.

Of the Reverend W. Taylor and others, ministers of the Gospel, resident in the city of Montreal, praying that the Bill now before the House, to extend the provisions of the Act for the relief of certain religious societies therein mentioned, to other religious denominations, may not pass into a law in its present form.

Of A. Lynd and others, of the district of Simcoe, praying that the aid petitioned for by the Warden and others of the said district, to improve the East branch of the Holland River, be not granted.

Of the Municipal Council of the district of Simcoe, praying for certain amendments to the Common School Act.

Of the Municipal Council of the district of Simcoe, praying that means may be devised for the relief of a destitute idiot child, now under their charge, and for all similar cases in future.

Of William Baker, Esquire, Warden, and others, inhabitants of the Municipal district of Missisquoi, praying for certain alterations in the present system of Judicature.

Of the Reverend John Pentland and others, members of the United Church of England and Ireland, in the township of Whitby and parts adjacent in the diocese of Toronto; of P. Wright and others, members of the United Church of England and Ireland, in the district of Ottawa; of William Morse and others, members of the United Church of England and Ireland, in the village of Paris and its vicinity; of Absalom Shade, Esquire, and others, members of the United Church of England and Ireland, in the town of Galt and its vicinity, in the diocese of Toronto; of James O. Bouchier and others, members of the United Church of England and Ireland in the township of Georgina, in the diocese of Toronto; of the Reverend George C. Street and others, members of the United Church of England and Ireland, in the village of Newmarket, in the diocese of Toronto; of the Reverend George Petrie and others, members of the United Church of England and Ireland, in Burford and parts adjacent; of the Reverend Abraham Nelles and others, members of the United Church of England and Ireland, in the Mohawk Mission, in the

(226)

diocese of Toronto; of the Reverend W. H. Hobson and others, members of the United Church of England and Ireland, in the town of Chatham and its vicinity, in the diocese of Toronto; and of the Right Reverend the Lord Bishop of Toronto and others, members of the Church of England, in the diocese of Toronto, praying for an Address to Her Majesty, recommending the passing of Act, to assign to the said Church of England, such proportion of the Clergy Reserve Lands, as shall correspond with her share of the funds arising from the same, and to authorize the Church Society of the diocese of Toronto, to propose a system for the future management of their portion of the said Lands.

Of the Reverend Messire Lebourdais and others, of the parish of St. Antoine de la Rivière du Loup; and of the Reverend L. Aubry and others, of the parish of St. Leon Le Grand, in the county of St. Maurice, praying that the Ordinance 4 Victoria, chapter 33, entitled "An Ordinance to amend the Laws relating to winter roads," may not be altered.

Of Joseph Southworth and others, of the county of Dundas, praying that a road may be opened through the said county, leading to the town of Bytown.

Of the Reverend John Butler and others, of the townships of Kingsey and Durham, praying that no action may be taken in respect of the charters of King's College and McGill College, which shall not include all other chartered institutions of learning in the Province.

Of Richard Graham and others, farmers of the township of Bertie, in the district of Niagara, praying that their interests may be protected by the adoption of measures for preventing smuggling.

Of the Montreal Board of Trade, praying for the repeal of the Usury Laws.

Of Aaron Silverthorn and James Eakins, praying to be reimbursed a certain sum of money expended by them, in building a bridge over the Etobicoke creek, beyond the amount granted for the purpose.

Of the Reverend William Anderson and others, of William Henry, praying that measures may be adopted for vesting in the Church Society of the diocese of Quebec, a share of the Clergy Reserves, corresponding with their proportion of the income arising from the same.

Petitions
referred.

W. Morrison
and others.

Resolved, That the petition of W. Morrison and others, of the township of Brandon, in the county of Berthier, be referred to a Select Committee, composed of Mr. Armstrong, the Honourable Mr. Attorney General Smith, the

Honourable Mr. Morin, Mr. Christie, and Mr. Dunlop, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

J. Paterson
and others.

Ordered, That the Petition of John Paterson and others, of the village of Dundas, in the district of Gore; the Petition of George Rolph, of the township of West Flamborough, in the county of Halton; and the Petition of William Binkley and Edward Lyons, of the township of Ancaster, in the county of Wentworth; be severally referred to the Standing Committee on Private Bills.

Rev. Messire
Lebourdais.

Ordered, That the Petition of the Reverend Messire Lebourdais and others, of the parish of St. Antoine de la Rivière du Loup; and the Petition of the Reverend L. Aubry and others, of the parish of St. Léon Le Grand, in the county of St. Maurice, be referred to the Select Committee to which was referred the Petition of Michel Houle and others, of the city of Montreal, carters, and other references.

Rev. J. Butler
and others.

Ordered, That the Petition of the Reverend John Butler and others, of the townships of Kingsey and Durham, be referred to the Select Committee to which was referred the Petition of the Honourable Vallières de St. Réal, Chief Justice of Montreal.

Funding Fees
of Office.

Mr. Christie, from the Special Committee to which was referred the Bill to reduce, in accordance with the circumstances of the Province, certain salaries not on the Civil List thereof, and to fund fees of office; allowing the incumbents fixed salaries in lieu; with an instruction to the said Committee reported that the Committee had gone through the Bill, and had made several amendments thereto; which amendments were again read at the Clerk's table.

Ordered, That the said Bill and Report be committed to a Committee of the whole House, on Wednesday next.

Agriculture,
Lower Canada.

Mr. Watts, from the Special Committee appointed to inquire into the expediency of amending the laws relative to the encouragement of Agriculture in Lower Canada, presented to the House, the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee beg leave to report that they have confined their inquiries to the operation of the said Laws, and find that they have almost entirely failed to produce the desirable effect intended by their enactment.

They further beg leave to offer certain suggestions or amendments, which are hereunto annexed, upon which a new Act for the above purpose may be based with advantage to the interest of the Agriculturists, if they receive that protection which so overwhelming and valuable a portion of our population absolutely requires, and without which agricultural encouragement can be of little avail.

4 William IV. Chapter 7.--Amendments to the 3d clause:--

Instead of twice, insert four times.

Instead of £80, insert £200.

Besides the County Societies, District Societies may be established whenever there are two or more County Societies established in the district of Montreal, or in the district of Quebec, or in the districts of Three Rivers and St. Francis, which are to be united for this purpose.

The first office-bearers of the said District Societies shall be the office-bearers of the oldest County Society in the said district; that the office-bearers of the County Societies shall compose the Committee of the Society for the district in which they are situated.

That the successors of the first office-bearers, shall be the office-bearers of the County Society in that district which is the next in seniority, and so on with the officers of the other County Societies in such district in rotation; that the President of each District Society shall determine and communicate to the office-bearers of all the County Societies in his district, at least three months beforehand, the time and place of the annual meeting for the competition for and distribution of premiums which will be there distributed.

That the office-bearers of any County Society, the members of which have not subscribed at least £25 for each of the two years immediately preceding the year then current of the show, as well as during the then current year, shall be entitled to claim the right and privilege of being the office-bearers of a District Society.

That the office-bearers of the District Societies shall go out of office in the month of February every two years.

That, on the application of the President of the District Society, the Governor to issue his warrant for the sum of on his producing the certificate of his predecessor that he is the person entitled to claim the same, and on his making oath that the county he represents has fulfilled the requirements of clauses. It shall be incumbent

(227)

on the President of each District Society and of each County Society, to

see that proper and separate pens are erected free of charge to the owners of competing animals, at the place he selects as the rendezvous for the exhibition.

That the office-bearers of the District Societies on going out of office, shall, within one month afterwards, account to their successors for the proper application of all moneys received by them, and shall be severally responsible to them for the same, and shall hand over to them any balance remaining unexpended in their hands at the time of going out of office.

The office-bearers, viz., President, Vice-President, Secretary, and Treasurer, to be a body corporate, with power to sue and be sued.

That of the moneys for the District Societies, £ may be annually appropriated to the importation of animals of improved breeds.

That animals imported from the United Kingdom taking first prizes, shall be entitled to a premium double the amount offered by advertisement.

All premium lists, and disbursements, to be determined by the office-bearers and committee. Not less than five to be a quorum.

That no part of the moneys appropriated by this Act shall be paid for or on account of salary of any Secretary or writer, or for travelling expenses, nor for any other expenses whatever of any such Agricultural Society, expenses for stationery, printing, and postage, alone excepted.

No charge for toll-gates, without prejudice to private rights, for animals going to or returning from Exhibitions or Ploughing Matches held under this Act.

Office-bearers of Agricultural Societies now in existence to remain in office until relieved under the provision of this Act.

Acts 58 George III. chapter 6.
 " 1 George IV. chapter 5.
 " 9 George IV. chapter 48.
 " 4 William IV. chapter 7.

to be repealed if in force.

Dog Tax.

Mr. Cummings, from the Select Committee, to which was referred the Bill to empower the district Councils in Upper Canada to impose a Tax on dogs, and to regulate Temperance houses within their respective districts, with an instruction to the said Committee, reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were

again read at the Clerk's table.

Ordered, That the said Bill and Report be committed to a Committee of the whole House, on Thursday next.

Report on
Education.

Ordered, That one thousand copies of the Statistical Report of the Superintendent of Education, for the year one thousand eight hundred and forty-three, laid before the House on the thirtieth of January last, be printed in each of the English and French languages, for the use of the members of this House.

Evangelical
Association.

Ordered, That Mr. Thompson have leave to bring in a Bill to extend the benefit of a certain Act of Upper Canada, therein mentioned, to the Clergyman or Minister of the Evangelical Association.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Monday next.

On motion of Mr. Thompson, seconded by Mr. Powell,

Canboro' and
Simcoe Road
Tax.

Resolved, That this House do now resolve itself into a Committee of the whole House, to consider the expediency of reviving and amending a certain Act, passed by the Parliament of Up-

per Canada, for imposing a Tax on the lands adjoining the Canboro' and Simcoe road.

The House accordingly resolved itself into the said Committee.

Mr. Watts took the chair of the Committee,⁴

((MR. THOMPSON)) stated that, ten years ago, an Act had been passed to levy taxes on the people in the neighbourhood, and not one farthing had as yet been paid up, and if a bill to that effect were passed, the lands could be sold for that purpose.⁵

(227)

and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Watts reported that the Committee had come to a resolution, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

The whole proceedings were done so much sotto voce that ... several members started up, when too late, to enquire what they had resolved.⁶

(227)

Ordered, That the Report be received to-morrow.

Statements
from Corpora-
tions.

Ordered, That the Honourable Mr. Moffatt have leave to bring in a Bill to oblige Corporations and others, specially empowered by any Act or Charter to hold Real Estate, to lay before the Legislature Annual Statements of the property so holden.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Monday next.

On motion of Mr. Christie, seconded by Mr. DeWitt,

Landholders,
Gaspé.

Ordered, That the Order of the Day for the House in Committee on the Bill, for the relief of certain landholders in the Gaspé district, be discharged.

On motion of Mr. Macdonell, of Dundas, seconded by Mr. Macdonald, of Cornwall,

Claims, St.
Lawrence
Canal.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will cause to be laid before this House, an Official Return and Account of all claims for lands and damages claimed by the inhabitants of the county of Dundas, arising from the St. Lawrence canal; and shewing a detailed Statement of the names of claimants; for what portion of land; the nature and amount of their respective damages; how, if so settled, whether by arbitration under the statute, or private agreement with the Board of Works; what, and whose claims are yet unsettled; and the reasons of such claims being yet unsettled.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House, as are of the Honourable the Executive Council of this Province.

On motion of Mr. Macdonell, of Dundas, seconded by Mr. Macdonald, of Cornwall,

Lutheran
Congregation
Williamsburgh.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will cause to be laid before this House, for its information, all

documents and correspondence in the power of His Excellency to cause to be furnished, had between the Pastors, Trustees, and Elders, of the Lutheran Congregation of Williamsburgh, county of Dundas, or any person or persons on their behalf and the Executive Government of the

(228)

late Province of Upper Canada, or of this Province, since the Union, respecting the Easterly half of the centre commons of the township of Williamsburgh aforesaid, described as granted to the Lutheran congregation in 1799, and of which the said congregation was in the undisturbed possession of till 1811; also all correspondence on the same subject, between the Lord Bishop of Quebec, and the Archdeacon of York, now the Lord Bishop of Toronto, or of any minister of the Church of England, or of any person or persons on behalf of the said Church of England and the Executive Government of the late Province of Upper Canada, or of this Province since the Union, relative to the same lands; and also that His Excellency will be further pleased to cause a copy of the patent, under which the same is now held, to be laid before this House.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House, as are of the Honourable the Executive Council of this Province.

Christian Unitarians.

Ordered, That the Bill to afford relief to a certain religious congregation at Montreal denominated "Christian Unitarians," be read a second time, on Thursday next.

Table of Fees for Sheriffs, &c.

Mr. Foster, from the Committee of the whole House, to take into consideration the propriety of establishing a table of Fees for the payment of Sheriffs, Clerks of the Peace, Constables, and other district officers in that part of the Province called Upper Canada, for certain duties imposed by Law and for which no remuneration is allowed; and also, the propriety of regulating the payment of Costs in cases of Assault and Battery in the Court of Quarter Sessions, reported according to order the Resolution of the said Committee; which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That it is expedient to establish a table of Fees payable out of the district Funds, for the remuneration of Sheriffs, Clerks of the Peace, and Constables, in the respective Districts of that part of this Province called Upper Canada, for services imposed upon them by Law, and for which no remuneration is allowed, and also to regulate the payment of costs in cases of Assault and Battery tried in the Courts of Quarter Sessions in Upper Canada.

Sheriff's Fees. Ordered, That Mr. Sherwood, of Brockville, have leave to bring in a Bill to regulate the Fees of Sheriffs and other officers in that part of this Province called Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Wednesday next.

Preservation of Salmon, Gaspé. The Order of the Day for the second reading of the Bill to enable the local authorities in the district of Gaspé to provide Bye-laws, rules, and regulations, for the preservation of the Salmon and other fisheries therein, and for certain other local and municipal purposes therein mentioned, being read,

Ordered, That the said Bill be read a second time, on Monday next.

Cayuga Glass Company. The Order of the Day for the second reading of the Bill to revive an Act passed in the Parliament of the late Province of Upper Canada, to incorporate certain persons therein named, and their associates, under the style and title of the Cayuga Glass Manufacturing Company, being read,

Ordered, That the said Bill be read a second time, on Thursday next.

Insolvent Debtors. The Order of the Day for the second reading of the Bill to afford relief to Insolvent Debtors, being read.

The said Bill was accordingly read, and ordered to be engrossed.

Line Fence. The Order of the Day for the House in Committee on the Bill to repeal an Act therein mentioned, and to provide for the regulation of Line fences and Water courses in Upper Canada, being read,

The House accordingly resolved itself into the said Committee.

Mr. DeWitt took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. DeWitt reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered, That the report be received to-morrow.

Civil and
Political
Rights.

The Order of the Day for the House in Committee on the Report of the Select Committee, to which was referred the Bill to revive and continue for a limited time, part of the fourth clause of an Act, passed in the fourth and fifth years of the Reign of Her Majesty, Queen Victoria, intituled, "An Act to secure to and confer upon certain inhabitants of this Province the civil and political rights of natural born British subjects," being read,

Ordered, That the said Order of the Day be postponed until Wednesday next.

Toll-Bridge,
Richelieu.

The Order of the Day for the House in Committee on the Bill to authorize John Yule, junior, to build a Toll Bridge over the river Richelieu, in the parish of Saint Joseph de Chambly, to fix the rates of Toll for passing thereon, and to provide Regulations for the same, being read,

Ordered, That the said Order of the Day be postponed until Thursday next.

Meetings of
Relations.

The Order of the Day for the House in Committee on the Bill to enable Notaries to call meetings of relations and friends in certain cases, without being thereunto specially appointed or authorized by a Judge, being read,

The House accordingly resolved itself into the said Committee.

Mr. Laurin took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Laurin reported that the Committee had gone through the Bill, without making any amendment thereto; and the Report was again read at the Clerk's table.

Ordered, That the said Bill be engrossed.

Municipal
Authorities,
Gaspé.

The Order of the Day for the House in Committee on the Bill to exempt the district of Gaspé from the operation of an Ordinance of the Governor and Special Council of the late Province of Lower Canada, intituled, "An Ordinance to provide for the better internal government of this Province, by the establishment of local or

municipal authorities therein," being read,

The House accordingly resolved itself into the said Committee.

(229)

Mr. Chauveau took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair.

And Mr. Chauveau reported that the Committee had gone through the Bill, without making any amendment thereto; and the Report was again read at the Clerk's table.

Le Petit Sé-
minaire de St.
Thérèse.

The Order of the Day for the House in Com-
mittee on the Bill to incorporate Le Petit Séminaire
de St. Thérèse de Blainville, in the district of
Montreal, being read,

The House accordingly resolved itself into the said Committee.

Mr. Christie took the chair of the Committee, and after sometime spent therein,

Mr. Speaker resumed the chair,

And Mr. Christie reported that the Committee had gone through the Bill without making any amendment thereto; and the Report was again read at the Clerk's table.

Ordered, That the said Bill be engrossed.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, delivered to Mr. Speaker two Messages from His Excellency, the Governor General, signed by His Excellency.

And the said Messages were read by Mr. Speaker, all the Members of the House being uncovered, and are as followeth:--

C. T. METCALFE.

Claims of
Judges, Lower
Canada.

The Governor General transmits for the information of the Legislative Assembly, the accompanying documents, relating to a claim on the part of the Judges of the Court of Queen's Bench, in Lower Canada, to the continuance of the travelling allowance heretofore enjoyed by them, which the Governor General recommends to the favourable consideration of the House.

GOVERNMENT HOUSE,
Montreal, 30th January, 1845.

(TRANSLATION.)

(Copy.)

Quebec, 15th May, 1844.

SIR,

About the twenty-second day of February last, I had the honour to address a letter to the Inspector General of Accounts, informing him that I was on the point of starting for the Sherbrooke Circuit, after which I intended going the Three Rivers Circuit, and requesting him to forward me the ordinary allowance for each of these Circuits--in all £50 sterling. In doing so, I adopted the course which had been followed, to my knowledge, since 1836. I was not honoured with an answer.

I have just by chance heard that I ought to have addressed myself to the Secretary, and not to the Inspector General; and that the Local Government had come to a resolution not to pay the allowances until after the Circuits were over.

I have now the honour to inform you that I went the Sherbrooke and Three Rivers Circuits last year, and to claim the ordinary allowance.

I must also take the opportunity to state to you, that, as the Law requires the presence of the Circuit Judges, one of them at Quebec, and another at Lotbinière, at the same time, I was obliged to supply the place of one of them, and to repair to, the County of Portneuf, to hold the Court at Cap Sante, from which I have just returned.

The Circuits oblige the Judge to reside seven days at the different places, without including the time necessary to travel perhaps to Rimouski or Les Eboulements, and to return.

As I presume it is not the intention of the Government that the expenses occasioned by these Circuits should be borne by the Judges of the Court of King's Bench, which would in fact diminish a salary secured to them by an Act of the Imperial Parliament, and violate the faith given them on their accepting office, and ever since sanctioned by the Government, I request that a warrant may be issued in my favour for such amount as the Government, in its discretion, may think fit.

With reference to the resolution which the Government has adopted, (if I am rightly informed,) not to advance the costs of Circuit, as

hitherto has been the practice, and without calling into question the wisdom and the propriety of such a general rule, I most respectfully venture to observe that in some cases an exception might and should be made to this rule. I speak, for instance, of the Gaspé Circuit, at which I shall be obliged to attend on the 21st of August, and to go to Carlisle until the thirteenth of September, without well knowing how to return; the Boston route will perhaps be the most expeditious. It may happen that a Judge, obliged unexpectedly to undertake a voyage which must necessarily occasion heavy expenses, might not have the necessary funds at his disposal; and I respectfully submit that he ought not to be subjected to the inconvenience of negotiating a loan, or of interfering with his private affairs, when he is fulfilling the duty prescribed to him by Law. I would therefore inquire, in order to prepare myself for the Gaspé Circuit, whether I will be permitted before starting for Gaspé, to ask for the amount which the Government intends to appropriate for that purpose, or if I will be informed what the amount will be, in order that I may negotiate a loan, in case the Government should not wish to advance it?

I have, &c.,

(Signed,)
 Honourable D. DALY, Secretary,
 Kingston.

E. BEDARD, J. K. B.

(Copy.)

Remarks of the Deputy Inspector General on that portion of Mr. Justice Bedard's letter, which relates to allowance for Circuits in future:--

As respects the allowance for Circuits, for the future, it is to be observed, that under the late Judicature Acts of Lower Canada, the Justices of the Courts of King's Bench for the districts of Quebec and Montreal, as well as the Resident Judge at Three Rivers, had to perform certain Circuits within these districts, and some of the Judges of Quebec and Montreal had to attend the Assizes at Three Rivers, twice in each year, as well as the Provincial Court in the Inferior District of St. Francis. For each of these Circuits an allowance was made to the Judge performing the same of £25 sterling for each Circuit or Assize, but no provision was made for that expense by any Provincial Act; previous to the Union, the sum required to meet the expense was included in the annual estimate laid before the Legislature.

Since the Union, the allowance has been paid out of that portion of the Civil List Fund, appropriated to the payment of the contingencies of the administration of justice, Schedule A.

The new Judicature Act of the last Session repeals the former Acts of Lower Canada, establishes new Courts, among which are Circuit Courts, within the districts of Quebec and Montreal, which are to be held either by Justices of the Courts of Queen's Bench of these districts, or by Circuit Judges appointed by the authority of that Act; whose salaries are thereby established, and provided to be in lieu of all fees, emoluments, or allowances whatever, whether for travelling expenses or otherwise.

(230)

In the district of Three Rivers the Circuit Courts are to be held by the resident Judge for that district, and in the district of St. Francis by the Provincial Judge of the district. No provision is made for the expenses of these districts by the Act.

The Resident Judge at Three Rivers was also, of late, a District Judge, and as such, had Circuit Courts to hold under the Act 4 and 5 Victoria, chapter 20, for which he received no allowance.

The Provincial Judge of the district of St. Francis held Circuit Courts under former Acts of Lower Canada, without any allowance for his travelling expenses.

The two district Judges of the district of Gaspé, appointed under the Act 7 Victoria, chapter 17, are to hold Circuit Courts without any provision for their travelling expenses being made. The late Provincial Judge of that district, it may be observed, also held Circuit Courts within the district, without any allowance being made to him for his travelling expenses.

Under the provisions of this latter Act, providing for the administration of Justice in the district of Gaspé, by the fourteenth section, it is provided that a Court of Queen's Bench is established in that district, to be held by one or more Justices of the Court of Queen's Bench for the district of Quebec, or the resident Judge of Three Rivers and the two resident Judges of the district. Consequently, one or more Judges of the district of Quebec or Three Rivers will have to perform this journey or voyage once a-year, for which no provision is made.

It may be remarked that provision is made by Acts of the late Legislature of Upper Canada for the travelling expenses of the Judges in that portion of the Province, at the rate of £25 Currency for each district; there being two Circuits within the year for each, the amount is now paid out of the Civil List Fund.

I would take the liberty to suggest, that it is necessary to establish what Circuits are to be provided for, and the amount of the allowance for that purpose. It is provided by the Act 7 Victoria,

chapter 16, that the Circuit Judges thereby appointed, may hold the Circuit Courts in the districts of Quebec and Montreal, which they are bound to do, without any allowance, other than their salaries.

When a Judge of the Court of Queen's Bench of either of those districts is required to hold the Circuit Court, it is submitted that the same allowance of £25 sterling be made to them for that service, as was allowed for the Circuits under the former Acts. It does not appear by what authority a Judge of the Queen's Bench, or a Circuit Judge, is selected for that duty.

Under the provisions of the Acts, establishing the Courts in the district of Gaspé, it is provided, that the Courts of Queen's Bench to be holden once in each year, is to be held by any one or more of the Justices of the Queen's Bench, for the district of Quebec, or the resident Judge of Three Rivers. As the attendance of that Court by the Judges from Quebec or Three Rivers would require them to travel a considerable distance both by land and water; the Court to be held at two several places in the district for a term of ten days for each place. Considering the distance to be travelled, and the time taken up, a less sum than £36 sterling would not cover the expenses of the Judge.

In the case of Judges from either of the districts of Quebec, Montreal, or Three Rivers, attending the Court of Queen's Bench, in the district of St. Francis, the former allowance for each term, £25 sterling, is recommended. All which is respectfully submitted.

(Signed)

JOS. CARY,
Deputy Inspector General.

INSPECTOR GENERAL'S OFFICE,
Kingston, 31st May, 1844.

C. T. METCALFE,

Claims for Pension,
Lacroix and Bolduc.

The Governor General transmits for the information of the Legislative Assembly, an extract of a report by a Select Committee of the Honourable the Legislative Council, upon the claims to pensions of Pierre Lacroix, and Joseph Bolduc, Messengers of the late Legislative Council of Lower Canada, and recommends that pensions at the rate of £18 Currency per annum, from the date of the Union of the Provinces, be granted to them.

GOVERNMENT HOUSE,
Montreal, 30th January, 1845.

Extract from a Report by a Select Committee of the Honourable the
Legislative Council, upon the claims to Pensions of Pierre Lacroix
and Joseph Bolduc, dated 1st October, 1842:--

"That Pierre Lacroix has been a Messenger to the Legislative Council of the late Province of Lower Canada for twenty-two years, and Joseph Bolduc in a similar capacity for fifteen years. That after the suspension of the Constitution, they received an allowance equal to one-half of their former pay, which was discontinued at the time of the Union. As the petitioners are recommended as faithful servants, and are encumbered with large families; your Committee recommend them to the favourable consideration of your Honourable House, for such retired allowance as their services entitle them to."

"The whole nevertheless humbly submitted."

Trinity House,
Quebec.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor General, Return to an Address of the Legislative Assembly, to His Excellency, the Governor General, praying His Excellency to cause to be laid before the House, a detailed Statement of the annual Receipts and Expenditure of the Trinity House, of Quebec, for the last four years; the sums of money lent from the Pilot's stock; the sums remitted; the loss incurred by the Bankruptcy of the borrowers, or otherwise, in case such loss may have been incurred; and if such sums, or any part of them, have been lent to members or officers of the said Trinity Board of Quebec; and the names of the persons to whom such sums have been lent; the amount of the revenue produced by the loan of these sums, for the last four years; and the amount of the money now in the chest of the Trinity Board of Quebec.

(For the Documents accompanying the said Return, See Appendix CC.)

Also,

Government
Seigniories.

Return to an Address to the Legislative Assembly to His Excellency, the Governor General, praying that His Excellency would be pleased to cause to be laid before the House; a Return of the income of each Seigniority held or possessed by the Government, in Eastern Canada, together with the names of the Agents of each Seigniority; amount of salary and expenses paid to Agents for collection: and also, the amount of Droit de Quint received by the Government, since the year 1830.

(For the Documents accompanying the said Return, See Appendix BB.)

Then, on motion of the Honourable Mr. LaFontaine, seconded by Mr. DeWitt,

*The House adjourned.*⁷

APPENDIX, 3 FEBRUARY 1845.

((NOTICE OF PROPOSED MOTION.))⁸

MR. JOHNSTON gave notice of his intention to move for a Select Committee to enquire into the manner in which the Crown Lands Department is conducted.⁹

FOOTNOTES - 3 FEBRUARY 1845.

1. KINGSTON NEWS, 13 February 1845.
2. IBID.
3. IBID.
4. The debate on this matter was reported by: ST. CATHARINES JOURNAL, 20 February 1845; MONTREAL GAZETTE, 4 February 1845, KINGSTON NEWS, 13 February 1845, and GLOBE, 18 February 1845, in identical accounts; and BRITISH COLONIST, 14 February 1845, which only noted the debate.
5. ST. CATHARINES JOURNAL, 20 February 1845.
6. MONTREAL GAZETTE, 4 February 1845.
7. LE CANADIEN, 7 February 1845, noted: "Le Transcript de mardi matin observe que cette séance est la première, depuis l'ouverture du parlement, qui ait été levée à une heure raisonnable (6 heures $\frac{1}{2}$ du soir), après qu'on eut fait passablement de la besogne et sans une seule discussion. La raison qu'il en donne est que nombre de MM. les députés desiraient se rendre à l'assemblée qui avait lieu ce soir-là chez Rasco, et en conséquence modérèrent leurs langues et laissèrent marcher les affaires publiques sans empêchement."
8. The following was reported by: MONTREAL GAZETTE, 4 February 1845, and KINGSTON NEWS, 13 February 1845, in identical accounts.
9. MONTREAL GAZETTE, 4 February 1845.

TUESDAY, 4 FEBRUARY 1845.

(231)

Election, Third
Riding York.

MR. TACHE, Chairman of the Select Committee appointed to try the merits of the Petition of Robert Harrison and others, electors of the Third Riding of York, complaining of the undue election and return of James Edward Small, Esquire, to represent the Third Riding of the county of York, reported to the House that the Committee met this morning at eleven o'clock, pursuant to adjournment, but were unable to proceed to business, in consequence of the absence of Mr. Lawrason. They accordingly waited until twelve o'clock, and adjourned until five o'clock this evening; and he further reported, that the Commission appointed to take evidence in the matter of the said election has not yet been returned.¹

MR. HALE, seconded by MR. SEYMOUR, moved, that L. Lawrason, Esq., be excused further attendance on the committee, on the contested election of Mr. Small, on account of the resignation of his seat in the Provincial Parliament.²

MR. BALDWIN doubted, whether the cause assigned in the motion were sufficient to authorize the House to excuse the hon. member; he had sworn to try the petition, and he (Mr. Baldwin) did not think he could be excused, until his successor had taken his seat.³

MR. LAFONTAINE was also opposed to the motion; if it were merely made on the grounds stated therein.⁴

The Solicitor General (West) ((MR. HENRY SHERWOOD)) said that the reason which the hon. gentleman had given him for his absence was the illness of his wife!⁵

MR. LAFONTAINE said,--no doubt.⁶

The Solicitor General (West) ((MR. HENRY SHERWOOD)) continued--The hon. member opposite might some time have illness in his own family, and he ought, therefore, to avoid casting ridicule upon the calamities of others. (Ironical cheers.)⁷

MR. LAFONTAINE was far from doing so; he had no doubt there was a great deal of bad health in that family. (Great laughter.)⁸

MR. JOHNSTON opposed the motion; there was no certificate of illness, and if the hon. gentleman had made a bargain, as was generally believed, that was no reason for the House to excuse him from his duty; he believed Mr. Lawrason was engaged on an electioneering expedition, and he would never give his consent to such tricks. (Hear, hear.)⁹

The motion was then carried, with an amendment, the words, "on account

of the resignation, &c.," being changed¹⁰ .

(231)

Resolved, That Mr. Lawrason be excused from further attendance upon the said Committee, in consequence of a member of his family being severely indisposed; and that the Committee be authorized to proceed to business, notwithstanding his absence.

Ordered, That the said Committee have leave to adjourn until Thursday, the thirteenth instant, to give time for the return of the Commission appointed to take evidence in the matter of the said election, to make its report.

Petitions
brought up.

The following Petitions were severally brought up and laid on the table:--

By Mr. Smith, of Wentworth, the Petition of John Hammill, of the town of Brantford, in the district of Gore.

By Mr. Seymour, the Petition of the Reverend Job Deacon and others, members of the United Church of England and Ireland, in the parishes of Adolphustown and Frederickburgh, in the Midland District, (relating to schools); and the Petition of the Chairman of the Municipal Council of the Midland District, (relating to District Councillors).

By Mr. Dunlop, the Petition of Robert Atchison and others, of the townships of Ashfield and Waxanosh, in the district of Huron; and the Petition of Leonard H. Dunlop, late sub-contractor on the Beauharnois Canal.

By Mr. Brooks, the Petition of T. J. Taylor and others, of the township of Eaton, in the district of St. Francis.

By Mr. Meyers, the Petition of James Calcutt, of the town of Cobourg, distiller and brewer.

By the Honourable Mr. Aylwin, the Petition of the Mayor, Aldermen, and Citizens, of the city of Quebec, (relating to the Marine Hospital;) and the Petition of the Reverend George Mackie and others, Directors of the High School of Quebec.

By Mr. Ermatinger, the Petition of James Ruthven and others, of the township of Aldborough.

By Mr. Macdonald, of Kingston, the Petition of William Donaldson and others, of Kingston.

Le Petit Sé-
minaire de Ste.
Thérèse.

An engrossed Bill to incorporate Le Petit
Séminaire de Ste. Thérèse de Blainville, in the
district of Montreal, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. LaFontaine do carry the said Bill to
the Legislative Council, and desire their concurrence.

Insolvent
Debtors.

An engrossed Bill to afford relief to Insolvent
Debtors, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. DeBleury do carry the said Bill to the
Legislative Council, and desire their concurrence.

Meetings of
Relations.

An engrossed Bill to enable Notaries to call
meetings of relations and friends in certain
cases, without being thereunto specially appointed
or authorized by a Judge, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Laurin do carry the said Bill to the Legislative
Council, and desire their concurrence.

Petitions Referred.
O. Schryer, R.
Graham and others.

Ordered, That the Petition of Orange Schryer, of
the township of Bertie, in the district of
Niagara; and the Petition of Richard Graham
and others, farmers, of the township of
Bertie, in the district of Niagara, be severally referred to the Select
Committee to which was referred the Bill to impose a duty on Distillers
and Brewers, and on spirituous and fermented liquors made by them, and
to provide for the collection of the said duties, and other references.

Mr. Hall moved, seconded by Mr. Cummings,

J. Gilchrist.

That the Petition of John Gilchrist, of
Peterborough, be referred to a Select Committee,
composed of Mr. Hall, Mr. Merritt, Mr. Roblin, Mr. Seymour, and Mr.
Sherwood, of Brockville, to examine the contents thereof, and to report
thereon with all convenient speed; with power to send for persons,
papers, and records.¹¹

COL. PRINCE thought these claims ought to be pursued before a Court
of Justice, according to the method prescribed by the law which
established the Board of Works, and which provides a sufficient remedy
for parties who may be injured, without taking up the time of the House,

session after session with questions of this sort.¹²

The Attorney General (East) ((MR. JAMES SMITH)) opposed the motion, not only on the grounds urged by the hon. member who had last addressed the House, but also on its merits.¹³ The damages had been assessed, and the amount tendered to the petitioners, which they had refused. If they thought themselves wronged, they should appeal to a Court of Law.¹⁴

MESSRS. MEYERS and JOHNSTON opposed the motion.¹⁵

(231)

The question having been put upon the said motion, a division ensued, and it passed in the negative.¹⁶

Corporation of
the College of
Regiopolis.

Mr. Macdonald, of Kingston, from the Select Committee to which was referred the Petition of the Right Reverend Patrick Phelan, Bishop of Carrhae, and of the Very Reverend Angus Macdonell, on behalf of the Corporation of the College of Regiopolis, with power to report, by Bill or otherwise, presented to the House a Bill to authorize the conveyance of certain Real Estates to the College of Regiopolis, and to enable said College to acquire and hold real property to a certain amount; which was received and read for the first time, and ordered to be read a second time, on Monday next.

Petition of T.
M'Allister and
others.

The Honourable Mr. Morin, from the Standing Committee on private Bills, to which were referred the Bill to incorporate the High School of Montreal; the Petition of Thomas M'Allister and others, of the township of Vaughan, in the Home district; and the Bill to authorize the community of religious ladies, called Les Soeurs de la Congrégation Notre Dame de Montréal, to acquire and hold additional real or personal property to a certain amount, presented to the House the ninth Report of the said Committee; which was again read at the Clerk's table, and is as followeth:--

"The Petition of Thomas M'Allister and others, has been considered by your Committee, which prays for the appointment of a Surveyor to establish the 11th Concession line of Vaughan: your Committee cannot ascertain whether an original survey of the line mentioned was ever made, but if no survey has taken place, the action of the Executive Government will be sufficient, and if the lines have actually been run, without any trace of them being now in existence, the laws now in force provide a remedy; and in either case, a general Bill, which your Committee understand is intended to be proceeded upon during the present Session, will, if it become law, render any special Legislative interference in a matter of this kind, unnecessary.

(232)

High School,
Montreal.

Your Committee have examined the Bill to incorporate the High School of Montreal, and have agreed to submit the following amendment:--

At the end of the third clause, insert "Provided always that a detailed account of the property to be holden by the said institution under the authority of this Act, and of the Revenues arising therefrom, shall be submitted every year to each of the three branches of the Legislature, during the first fifteen days of each Session thereof."

Les Soeurs de
Notre Dame.

They have also examined the Bill to authorize the community of religious ladies, called "Les Soeurs de la Congrégation Notre Dame de Montréal," to acquire and hold additional real or personal property to a certain amount, and have agreed to the same with an amendment, which they respectfully submit, as follows:--

At the end of the Bill, insert "Provided also, that a detailed account of the property hereafter so holden, under the authority of this Act, and of the Revenue arising therefrom, shall be submitted every year to each of the three branches of the Legislature, during the first fifteen days of each Session thereof."

MR. ATTORNEY GENERAL ((JAMES)) SMITH¹⁷ moved for leave to introduce a Bill for the better protection of the lives and properties of Her Majesty's subjects upon the line of the public works. He begged to explain that although this Bill conferred extraordinary powers, they were such as were imperatively called for.¹⁸ The principle provisions of the bill were as follows:--to prevent persons on the lines of public works from having arms, unless duly licensed to do so--to authorise the Governor General to declare what ports of the country shall be considered under the provisions of this law--to oblige the government to make yearly returns to parliament, showing the actual working of the law--and to provide for the repeal of the act, as soon as the public works now in progress shall be accomplished.¹⁹

(232)

Preservation of
the Peace,
Public Works.

Ordered, That the Honourable Mr. Attorney General Smith, have leave to bring in a Bill for the better preservation of the Peace, and the prevention of Riots, and violent outrages, at, and near Public Works, while in progress of construction.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Friday next.

Registration
of Voters.

Ordered, That the Honourable Mr. Solicitor General Sherwood, have leave to bring in a Bill, to provide for the registration of persons entitled to vote at elections of Members of the Legislative Assembly in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Friday next.

MR. BALDWIN stated his intention of opposing the Bill.²⁰

(232)

On motion of the Honourable Mr. Solicitor General Sherwood, seconded by Mr. Duggan,

Harbour dues,
Toronto.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying His Excellency to direct the proper officer to cause to be laid before this House, an account of the Harbour Dues attested at the port of Toronto, during the years 1843, and 1844, together with an abstract of the account of the said Harbour with the Provincial Government, shewing the balance of the said Harbour dues unpaid at the end of the year 1843.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House, as are of the Honourable the Executive Council of this Province.

On motion of Mr. Dunlop, seconded by Mr. Johnston,

Library.

Resolved, That this House doth now concur in the first Report of the Standing Committee appointed to assist Mr. Speaker in the direction of the Library, to which shall be referred all matters relating thereto.

Legal claims
on Executive
Government.

Ordered, That Mr. Prince, and Mr. Taschereau, be added to the Special Committee, to which was referred the Bill to provide a legal recourse to Her Majesty's subjects in this Province, having legal or just claims upon the Executive Government thereof, and to enable Her Majesty the more effectually to do justice in such cases.

On motion of the Honourable Mr. Papineau, seconded by Mr. Prince,

Rebellion
Claims.

Resolved, That this House will, to-morrow, resolve itself into a Committee of the whole House, to consider the expediency of making provision for giving effect to a certain Act of the Legislature of Upper Canada, as amended by the Act of the Legislature of this Province, and relating to the payment of claims arising out of the late Rebellion and Invasions of Upper Canada--and of appropriating the moneys arising from Tavern licenses for local purposes, applying such portion thereof as may belong to localities in Upper Canada, to the payment of the said claims until

the same be fully paid, or the money to be advanced to pay them, be reimbursed to the Province.

Inland Navigation, by British Plantation vessels.

Ordered, That the Bill to secure the right of property in British plantation vessels, navigating the inland waters of this Province, and not registered under the Act of the Imperial Parliament of the United Kingdom, passed in the third and fourth years of His Majesty's reign, William the Fourth, 28th August, 1833, and intituled, "An Act for the registering of British vessels," and to facilitate transfers of the same, and to prevent the fraudulent assignment of any property in such vessels, be read a second time, on Tuesday next,

Limitation of Actions at Law.

Ordered, That the Honourable Mr. Aylwin have leave to bring in a Bill for the limitation of actions; for avoiding suits at law; and for rendering a written memorandum necessary to the validity of certain promises and engagements in that part of the Province which heretofore constituted the Province of Lower Canada.

He accordingly presented the said Bill to the House,²¹

((MR. AYLWIN)) stated that it had formerly been supposed that the statute of James the 1st, for the limitations of actions at law in cases of debt, was in force in Lower Canada; it had, however, been decided by the late Judge Reid, about eight years ago, that the law is not in force there, in consequence of which decision, a man may be forced to pay a baker's bill, for instance, which he had perhaps paid twenty-nine years previously, unless he can produce his receipt. The present bill was to remove that inconvenience.²²

(232)

and the same was received and read for the first time, and ordered to be read a second time, on Monday next.

On motion of the Honourable Mr. Aylwin, seconded by the Honourable Mr. LaFontaine,

Survey of the River St. Charles.

Resolved, That an humble Address be presented to His Excellency, the Governor General, to pray that His Excellency will be pleased to direct a survey to be made, under the direction of the Board of Works, of the river St. Charles, between the confluence of that river with the St. Lawrence, at Quebec, and the General Hospital, with a view to ascertain the practicability of forming a safe and secure dock and harbour for the reception of shipping arriving at the port of Quebec.²³

He ((MR. AYLWIN)) stated that nature had pointed out this spot for the purpose, and so early as the time of Jacques Cartier, it had afforded a harbour of refuge. It was a matter of the highest importance as a shelter for Her Majesty's vessels, and those engaged in the trade of the Colony, on arriving from sea early in the spring.²⁴

The Attorney General (East) ((MR. JAMES SMITH)) did not oppose this motion as he had done those for other surveys; and for this reason; the object which was now sought, was one of paramount interest to the country at large; the other motions to which he alluded, contemplated works of comparatively little consequence, and that little, entirely belonging to the immediate locality of the work.²⁵

MR. CAUCHON ... ((misunderstood)) the Attorney General, and ... ((spoke at some length))²⁶ .

(232)

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House, as are of the Honourable the Executive Council of this Province.

Election, Third
Riding York.

Resolved, That the House do now adjourn for half an hour, to give time to the Select Committee appointed to try the merits of the Petition of Robert Harrison and others, electors of the Third Riding of York, complaining of the undue election and return of James Edward Small, Esquire, to represent the Third Riding of the county of York, to meet for the purpose of adjournment.

(233)

Pursuant to Order, the House adjourned until this hour.

5:30 O'Clock P. M.

Local Taxes on
certain Lands.

Ordered, That Mr. Cummings have leave to bring in a Bill to remove all doubts as to the liability of certain lands in Upper Canada, to be charged with local taxes.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time, and ordered to be read a second time, on Thursday, the thirteenth instant.

Regulation of
the Office of
Sheriff, U. C.

Ordered, That Mr. Macdonell, of Dundas, have leave to bring in a Bill for the better regulation of the office of Sheriff in that part of Canada, formerly Upper Canada, and for other purposes therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Leave of
absence, Mr.
Boutillier and

Ordered, That Mr. Boutillier have further leave of absence from this House, for one month, on account of illness.

Mr. Laurin.

Ordered, That Mr. Laurin have leave to absent himself from this House until the thirteenth instant, to enable him to appear and give evidence before Her Majesty's Court of Queen's Bench for the district of Quebec, holding criminal pleas in a certain suit pending before the said Court, between our Lady, the Queen, and F. X. Lapointe.

Providing
Fuel for Poor.

Ordered, That the Honourable Mr. Aylwin have leave to withdraw the Bill, to incorporate the Right Reverend George Jehosaphat, Lord Bishop of Montreal, and divers others, as a charitable association for providing fuel to the poor and destitute in the winter season.

The said Bill was accordingly withdrawn.

Notarial Profession.

Ordered, That the Bill to organize the Notarial profession in that part of the Province called Lower Canada, be read a second time, on Wednesday the twelfth instant.

Winter Roads.

Ordered, That the Bill to repeal two certain ordinances therein mentioned, relating to winter roads in that part of the Province heretofore Lower Canada, in so far as regards the district of Quebec, the inferior district of Gaspé, and that part of the district of Three Rivers, which extends from the district of Quebec to the parish of Nicolet, on the South side of the River St. Lawrence, and to the town of Three Rivers inclusively on the North side, be read a second time on Thursday, the thirteenth instant.

Independence
of Legislative
Assembly.

Ordered, That the Bill to amend an Act of the Province of Canada, intituled, "An Act for better securing the independence of the Legislative Assembly of this Province," be read a second time on Friday next.

Line Fences.

Mr. DeWitt, from the Committee of the whole House, on the Bill to repeal an Act therein mentioned, and to provide for the regulation of Line fences and Water courses in Upper Canada, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

Tax on Lands,
Canboro' and
Simcoe.

The Order of the Day for receiving the report of the Committee of the whole House, to consider the expediency of reviving and amending a certain Act passed by the Parliament of Upper Canada, for imposing a Tax on the lands adjoining the Canboro' and Simcoe Road, being read,

Ordered, That the said Report be recommitted to a Committee of the whole House on to-morrow.

Courts of
Assize, Upper
Canada.

The Order of the Day for the second reading of the Bill, to make further regulation for holding the Courts of Assize, and nisi prius, Oyer and Terminer, and General Gaol Delivery in Upper Canada, and to provide for the trial of Prisoners under certain circumstances, being read,

The said Bill was accordingly read, and committed to a Committee of the whole House.

Mr. Hale took the chair of the Committee,²⁷

The Solicitor General ((MR. HENRY SHERWOOD)) said, that it was well known that there was a great outcry in the country on account of the expense in the employment of Queen's Counsel to do the criminal business of the Crown, instead of the Attorney and Solicitor Generals. His bill was to remedy this, and also another defect in the manner in which the Assizes are at present held in Upper Canada. Hitherto the Judges have had it in their power to name the period at which the Court shall sit, and the consequence was that professional gentlemen, and other persons interested, sometimes did not know it till within a week of the time having been fixed, and very great inconvenience resulted, often forcing them to postpone cases of great importance for six months, from the impossibility of bringing them on for want of timely notice. And he might say that the whole administration of justice was put into confusion through this power being left in the hands of the Judges, who no doubt consulted the public benefit, but they frequently consulted their own convenience at the same time.²⁸

MR. ROBLIN wanted to know what was before the Chair. The Solicitor General should have discussed the principle of the bill on the second reading, and not have left it until the house got into Committee.²⁹

Solicitor General ((MR. HENRY)) SHERWOOD had no wish to go any further except the house required it.³⁰

"Go on."31

((MR. HENRY SHERWOOD continued:)) With a view to put((ting)) this matter on a proper footing, he had fixed certain days in the Spring and Autumn on which the Courts should be held, the effect of which would be, that a person who has a cause in the Newcastle District, could attend to his other business and make a trip to England, if it were necessary, in the meanwhile, knowing exactly on what day his cause would come on, and making his arrangements accordingly. At present, all that a lawyer can tell his client is, that he does not know when the case will come on, but that he will send or write to him, and it very frequently happens that the letter does not reach the client in time, and the greatest inconvenience ensued. Another good result of adopting a system of this kind would be, that the Crown Officers will be able to attend almost all the Circuits, so as to accomplish the whole of the work themselves, (hear, hear,) and thus have a very large sum to the Province annually. There was another point, too, to which he wished to draw attention. In the Talbot and Brock Districts there are seldom more than one or two criminal causes for trial, in the Ottawa and Prince Edward Districts about the same; and he proposed in this Bill to have the Assizes held only one a year in those Districts, instead of twice a year, as is done at present, and thus cut off a great deal of expense. (Hear, hear.) At the same time, to obviate any objection on account of a long imprisonment, he had introduced a clause allowing the prisoner to be tried in the neighbouring district on his making a requisition to that effect. Having gone so far into the bill, he hoped there would be few objectionable points in it, and when allowed to go into operation, it would have the good effects he anticipated.³²

MR. MERRITT did not wish to oppose this Bill, at the same time, he desired to call the attention of the Solicitor General to the defects of the present system, and the insufficiency of the remedy proposed. Previous to 1836, there was a system in Upper Canada which had worked admirably, and had given universal satisfaction to the country. At that time the administration of justice only cost the country £3,000 per annum. However, the desire of change produced the law for a double set of Courts, and led to the enormous expenses which now caused so much complaint; he meant the employment of Queen's Counsel. It would be found, that the whole system must be changed: the original bill provided, that in cases of necessity Judges should have power to issue Commissions for holding Assizes in any part of the country.³³

No, only in criminal cases.³⁴

((MR. MERRITT continued:)) It was to criminal cases that he referred; he recollected opposing the change from one Assize to two; and he recollected telling the country, that the change would do nothing but multiply costs. What was the cry at that time? It was said, that it was the height of cruelty, to keep poor prisoners so long in jail;

but there were means of getting them out at that time, and there are means still. He suggested to the Solicitor General, the propriety of having only one Court yearly, in more Districts than those at present proposed; there were twenty Districts, and in twelve of these it was proposed to hold Courts annually; he believed it would be found, that one Court would be found sufficient in several other Districts.³⁵

The Solicitor General (West) ((MR. HENRY SHERWOOD)) said, that the hon. gentleman was very much mistaken, if he supposed that he could now deprive the country of the advantages which were afforded to it, by having two courts instead of one. It frequently happened that the courts in Niagara were occupied three weeks at each Assize; and at Toronto, the sitting often occupied five weeks. It was a cause of complaint that the Courts of Request were not held sufficiently often; and he could not believe, for a moment, that the suitors in the higher courts could be satisfied with fewer conveniences than they had at present.³⁶

MR. ROBLIN thought that the principle of this bill ought to have been more fully discussed at the second reading; for he did not understand, at present by what authority the hon. gentleman had introduced a measure to deprive certain districts of the right to have two courts during the year. He did not understand, for instance, why the district of Prince Edward was to have only one court, while the newly settled district of Victoria was to have two.³⁷

COLONEL PRINCE said, he always listened with great pleasure to his hon. friend from Prince Edward, because there was a great deal of good sense in his remarks; he was quite happy to be enlightened by him on every other subject, but he (Col. Prince) did not think he was quite the man to instruct the House on matters of law--(laughter); he was a good farmer, and a well informed man, but no lawyer. With regard to the objections which that hon. gentleman had urged to the bill, he would point out to him the fact, that the returns from several districts show that there is not, in many of them sufficient business to warrant the expenses of two courts per annum. As to the increased expense of the administration of justice, it is evident that so long as the population increases, so long will the number of crimes and the expense of the administration of justice increase also. When he first came to the country twelve years ago, the court was held at Sandwich only once a year, and if there were three causes for trial, and one prisoner it was considered a very heavy Assize indeed; now the Assizes were held twice a year, and the amount of business was often considerable; it was therefore quite absurd to suppose, that the same expenditure which would satisfy the claims of the country at that time, would satisfy them now. It was true, that in criminal cases, the Governor General had the power of issuing a commission; but that was only done in cases in which great public outrages had been committed. Who ever heard of a special commission issuing to try one prisoner at Sandwich, or any

other remote part of the Western Country? Nor would there be any economy in allowing such a course to be taken, since it was well known that the expense on these occasions was enormous. The expense of fees to Queen's Counsel he certainly had long desired to see lessened; but at the same time, he would not wish it to be supposed that these fees were obtained for nothing. He himself had the honour of wearing a silk gown, and he had sometimes gone a distance of 800 miles without remuneration; he had travelled to Goderich three times to maiden Assizes, upon which occasions he had that long journey without receiving a farthing. It was a common but very erroneous idea, that Queen's Counsel received a salary and travelling expenses.³⁸

MR. ((GEORGE)) MACDONELL (Dundas), said, that if the hon. member for Prince Edward had made a little enquiry, he would not have found it necessary to ask upon what authority the bill was introduced: he (Mr. McDonald) believed, that it was founded upon the wants and wishes of the people. At present, three months frequently elapsed after notice of a trial before it came on; but that was not the worst inconvenience, for it often happened that in consequence of the uncertainty as to the time when the Assizes would be held, it was found quite impossible to obtain the attendance of witnesses.³⁹

The bill was then passed through the committee, with some verbal amendments ⁴⁰ .

(233)

and after sometime spent therein,

Mr. Speaker resumed the chair.

And Mr. Hale reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

*District Courts
Upper Canada.*

The Order of the Day for the second reading of the Bill to amend, consolidate, and reduce into one Act, the several laws now in force, establishing or regulating the practice of District Courts, in the several districts of that part of this Province, formerly Upper Canada, being read,⁴¹

MR. SOL. GEN. ((HENRY)) SHERWOOD, in moving the second reading of the Bill to amend the Laws respecting District Councils (sic) of Upper Canada, said that the principles of this Bill were, in the first place, to prevent any Judge from having a partner practising in these Courts, and from himself practising in any Court whatever. It introduced as far as possible the pleadings, according to the new rules of the Courts

of Queen's Bench. It gave power to the Court of Queen's Bench, on an application from a plaintiff, to send down simple issues⁴², such as the proof of hand writing⁴³, where no question of law was concerned, to the District Court for trial. This practice was established in England, where the Superior Courts sent down simple issues to be tried before the Sheriffs; the object was to relieve the Superior Courts. It was the duty of the District Judge to return the judgment of the jury and the evidence of finding to the Superior Court, leaving it to the Judges of that Court to set the finding aside, if not according to law. The Bill also authorized the sending down of Writs of Enquiry for the Assessment of Damages to the Inferior Court. It also provided for an appeal from the decision of the District Court to the Court of Queen's Bench on questions of law alone. It was also his intention to extend the jurisdiction of these Courts, at the present time, upon acknowledged debts, such as promissory notes, it extended to £40, in running accounts and other matters to £15. He proposed to extend it to £50 on promissory notes, in cases of running accounts to £25, and injuries to personal property to £20⁴⁴, and in cases of tort, to the amount of £15.⁴⁵

MR. BALDWIN supported the second reading of the Bill; with the exception of a few errors in the detail, which he would remark upon when the House went into Committee upon it, he believed the measure to be a good one. He gave Ministers credit for what they had done, and accepted this as an instalment of the much needed reform of the judicial system of Upper Canada.⁴⁶

(233)

The said Bill was accordingly read, and committed to a Committee of the whole House.

Mr. Macdonald, of Glengarry, took the chair of the Committee,

MR. BALDWIN would have been glad if the Government had taken this Bill up in connection with the other measures on the order of the day, but he did not say so as anything to complain of, for he well knew the difficulty of meddling with these matters and of tinkering, if he might use the expression, at the Courts from day to day, with little satisfaction to the public; and that the late administration could no more grasp all these points at once than the present. At that time he said that the part which was wanting, was a Court of Appeal better suited to give satisfaction than the court as it is at present established. He had however no objection to these matters being taken up now, but with the understanding that they should not be finally settled as yet. With regard to the bill, he concurred in the proposed alteration, not to allow Judges to practice in any of the courts, (hear). Not that he was aware that the Judge, being engaged in the administration of justice, if the law were divided into two branches as in England, would be unfitted for his Judgeship by his practice; so far from that, he thought he would be much more capable. But here the thing is very different, in

consequence of his being mixed up with the parties in causes in all parts of the country, it would be impossible for him always to give that satisfaction which would be desirable. With regard to the alteration in the manner of pleading, he knew of nothing more objectionable than having two different systems of pleading in two tribunals which imposes a burthen on the lawyer in the inferior court, which could scarcely be sustained, (hear, hear), involving the necessity of examining thousands of documents. In this, as in all other matters, the more simple the practice is made the better for the clients and for the profession also. He knew it was a vulgar error that lawyers wished to have a cumbrous system of obtaining justice. (Hear, hear.) He denied it in the name of the profession, and believed that the majority of lawyers in the house would coincide with him. (Hear.) The system laid down in the bill, he was well aware, had received the approbation of the greatest lawyers in England, and he believed it to be the cheapest and easiest way of disposing of causes. As to sending cases to the Sheriff's Courts, however, he believed it was confined in England to small causes.⁴⁷

The Solicitor General ((MR. HENRY SHERWOOD)) thought not. In Chitney it would appear that cases of seduction were sent down to them.⁴⁸

MR. BALDWIN was mistaken then, and at all events it would be much better to let such cases pass through that court. On the whole, he thought the bill would be a great improvement on the present system.⁴⁹

MR. MERRITT opposed the bill because it did not go far enough.⁵⁰

MR. ((GEORGE)) MACDONELL (of Dundas) was of the same opinion with the hon. member for North Lincoln. He could not understand why the judge who could try claims to the amount of £50 could not also try them to the amount of £100. He had no idea that the country would be satisfied by this measure, which might probably increase the amount of business of gentlemen of the profession in the Home District, but would certainly do no good to the outer districts. He would not be doing his duty to his constituents, if he did not endeavour to extend the jurisdiction of these courts. He accordingly moved an amendment to the clause relating to the jurisdiction of the courts. The amendment had the effect of doubling the amount proposed by the Solicitor General.⁵¹

The Solicitor General ((MR. HENRY SHERWOOD)) said that notwithstanding the anxiety which the hon. gentleman who had just spoken, always exhibited to take the interests of all Upper Canada into his especial keeping. Yet he (the Solicitor General) did not think that he ought to charge other hon. gentlemen with being influenced by improper motives,--with being desirous of passing Acts of Parliament for the purpose of increasing legal business in the Home District or any other District. Neither himself (the Solicitor General) nor his hon. friend from the Fourth Riding of York, who was now by his side asleep,

(laughter,) could expect to derive any advantage from the contemplated alterations. He thought the House would never agree to increase the extent of jurisdiction, merely because an hon. member asked, why a judge who could try £50 causes could not try £100 causes, on the same principle they might extend it to £500. The principle which had governed him in fixing the limit was this--to include all those cases which might be fairly supposed parties would desire to bring under the notice of the court. As the House was very thin, he thought it would not be desirable to divide, and he would therefore move that the committee do rise and the chairman report progress, and ask leave to sit again.⁵²

A few explanatory remarks ((were heard)) from MR. ((G.)) MACDONELL⁵³.

(233)

and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Macdonald, of Glengarry, reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again, on Friday next.

*Orders of
the Day.*

*Ordered, That the remaining Orders of the Day
be postponed until Friday next.*

Le procureur-général ((M. JAMES SMITH)) a observé à l'orateur que c'était un jour de fête pour les anglicains (sic).⁵⁴

(233)

*Ordered, That when this House doth adjourn, it will adjourn until
Thursday next.*

*Ordered, That the Orders of the Day of to-morrow, be postponed until
Thursday next.*

*Then, on motion of Mr. Macdonald, of Cornwall, seconded by Mr.
Duggan,*

The House adjourned.

APPENDIX, 4 FEBRUARY 1845.

((WITHDRAWN MOTION RE: CORRECTING CLERICAL ERROR IN LANARK ELECTION WRIT.))

MR. ATTORNEY GENERAL ((JAMES)) SMITH moved for leave to correct a clerical error in the time for the return of the Writ for the Lanark Election in which the 20th of March was inserted instead of the 15th.⁵⁵

MR. LAFONTAINE--It was no error.⁵⁶

MR. ((JAMES)) SMITH--You are very suspicious.⁵⁷

MR. LAFONTAINE--It was no error.⁵⁸

MR. DALY--It was, and is easy (sic) explained.⁵⁹

Cries of Explain! Explain!⁶⁰

The motion was withdrawn ((by MR. JAMES SMITH)) as informal, to be introduced to-morrow.⁶¹

((WITHDRAWN MOTION RE: INQUIRY INTO ADMINISTRATION OF CROWN LANDS DEPARTMENT.))⁶²

MR. JOHNSTON moved for a Select Committee, consisting of Messrs. Johnston, Small, Webster, and Gowan, to enquire into the management of the Crown Lands Department. Mr. Johnston said that he was bound to give some explanation upon the reason of this motion.⁶³ He said he had received a letter from one of his constituents, complaining of his neglecting his duty. (Cheers and laughter.) Part of the letter ran as follows: "We shall write to you no longer, for we would rather write to Mr. Gowan or Mr. Cameron, either of whom would be sure to give us an answer."--(Laughter.) Under these circumstances, he would tell the House, that he had used every means in his power to do his duty, for which his constituents paid him his 15s. a-day, and had gone to the Crown Lands Office repeatedly, without being able to procure the information that his constituents required.⁶⁴

Opposition cheers.⁶⁵

((MR. JOHNSTON resumed:)) He stood there independently to do his duty, and didn't care a farthing about any Ministry, and was stating the fact. If his constituents did not feel satisfied, they might, if they chose, elect a more talented man in place of him, but they could not get one who would do his duty more honestly.⁶⁶ The fact was that his Hon. friend, Mr. Papineau, who was a good fellow and an excellent neighbour, was perfectly unfit for the office he held, and his second was no better.⁶⁷

Opposition cheers⁶⁸ .

((MR. JOHNSTON continued:)) The work was done by the clerks, and the principals were their puppets.⁶⁹ And as that was the case, it would be better to give the salary to the clerks, who could do their duty, than to those who could not.⁷⁰

Opposition cheers.⁷¹

((MR. JOHNSTON again continued:)) He did not care about going up to the office when he could get nothing at it, and he would, therefore, just move for a committee to send for persons and papers, and then every one would know how the affairs were carried on there. He didn't care a copper about the Ministry; he wanted to see the man that was paid by the public, do his duty.⁷²

Opposition cheers.⁷³

((MR. JOHNSTON resumed:)) And that was just the great mistake of Responsible Government; the hon. gentleman (Mr. Papineau) should be in his office to give whatever information was wanted, but instead of that he was put on the treasury benches. That was one of the evils of their abominable Responsible Government. (Oh! oh! and cheers.) He wished he could see Mr. Davidson who had the honour of being turned out by the late Ministry.⁷⁴

No, no, from MR. AYLWIN.⁷⁵

((MR. JOHNSTON)) said yes, though, and if that gentleman were at the head of the Crown Lands Department, he would rather give him £1500 a-year, than 15d to the person who is there now.⁷⁶

Opposition cheers.⁷⁷

((MR. JOHNSTON)) hoped he might be mistaken, but he thought they were a corrupt set altogether.⁷⁸

MR. PAPINEAU made an explanation in French⁷⁹ . ((He)) complained of the general nature of the charges brought against him, and referred to the manner in which the offices of Government are filled at home, by persons practically unacquainted with their duties, but who receive the aid of able assistants, not liable to the same political influences with themselves. In the same way, he argued that it was not just to expect in him a perfect acquaintance with all the details of his office, which could only be acquired by long practice and study.⁸⁰

MR. LAFONTAINE condemned the course taken by the hon. member for Carleton.⁸¹ ((He)) said that he wished it to be understood that himself and friends did not believe that Mr. Papineau was incompetent for the

duties of his office, and that they brought no such charge against him.-- At the same time, he said, they regretted the false position in which the hon. gentleman was placed in respect to themselves--a position which they regarded as injurious to the interests of the country. He also objected that charges of so general a character should be brought against Mr. Papineau, and told the member for Carlton (sic) that if he really believed what he had said, it was his duty, instead of moving for a Committee, to have proposed a vote of want of confidence⁸² in the Ministry, and not enquire into their conduct. ... A little more discretion should have been shewn by the member for Carleton.⁸³

MR. MOFFATT hoped that Mr. Johnston would withdraw his motion. The hon. member for Terrebonne stated that the other side of the House did not concur in the censure it contained on the conduct of Mr. Papineau, and he (Mr. Moffatt) hoped the hon. gentleman would be a little more sincere even than that, and tell the House, that Mr. Papineau did not place himself in a false position by taking this office, and that he would still further tell the House, that there was nothing ignominious in Mr. Papineau accepting a situation under the Queen in this colony.⁸⁴

Oh! oh! from the Opposition.--Cheers from the Ministerial benches.⁸⁵

((MR. MOFFATT continued:)) If Mr. Johnston had anything to complain of in the conduct of the Ministry, he should either ask for some explanation, or else make a distinct charge against them for misconduct.-- (Hear, hear.) He hoped however, he would withdraw his motion, which he felt certain was caused merely by some want of attention; and if he did not the House should reject it, for it was not to be borne that a motion of this kind should be made so late in the session without a statement of the object the hon. gentleman had in view.⁸⁶

MR. JOHNSTON asked leave to withdraw his motion, certainly not, however, in consequence of what had fallen from Mr. Moffatt or Mr. Lafontaine. (Oh! oh! hear, hear.) The last named gentleman thought he would draw him (Mr. Johnston) into his own track; get him to be one of his tail, but he could tell the hon. gentleman that he (Mr. Johnston) would be the last man to do so. (Cheers.) He hoped, however, he would convince that hon. member that he did not care who was in office, but would always wish to have the affairs of the country properly transacted. (Cheers.)⁸⁷

M. AYLWIN ... dit en substance qu'il avait vu avec plaisir le membre pour Carleton entreprendre la motion qui venait d'être soumise à la chambre. Qu'on accusait depuis déjà longtemps l'hon. membre pour Ottawa d'incapacité, d'ignorance même, et de ne pouvoir en aucune façon conduire les affaires de son département tel que, s'il pouvait représenter le gouvernement quant au Bas-Canada, cette partie de la province eut droit d'en être satisfaite et fière, que Mais (sic) malheureusement ou

plutôt heureusement l'hon. membre pour Ottawa ne représente pas la majorité du Bas-Canada, et non seulement lui, mais tous ses collègues tirés du Bas-Canada se trouvent dans cette position, la plus anormale (sic), la plus honteuse, qu'il soit possible de concevoir. Que non seulement M. D. B. Papineau ne représente pas, auprès du gouvernement, le Bas-Canada, mais qu'il est incapable de remplir sa charge, qu'on l'accuse ouvertement depuis longtemps d'incapacité absolue.⁸⁸ "Yes," he continued, "you who bear the name of Papineau, a name endeared to every Canadian; you, who are the brother of the noble Papineau, hold no place in the esteem of the French Canadians, but sitting ignominiously upon those Benches, are despised and held in contempt by them."⁸⁹ Il lui demandait s'il ne devait pas sentir l'anomalie de sa position? qu'il était un sujet de regret pour ses compatriotes; qu'il en était honni, oui qu'il était homni (sic) de tout le Bas-Canada.⁹⁰

Cris de non! non! de la part de M. DEBLEURY.⁹¹

M. AYLWIN demande quel est celui qui disait que non?⁹²

M. DEBLEURY ... dit que c'était lui.⁹³

M. AYLWIN continua ... et dit que: ainsi c'était donc le membre pour Montréal qui prétendait cela; que pourtant ce dernier devait bien savoir que lorsqu'on parlait de la majorité du Bas-Canada, lui M. de Bleury ne devait avoir l'air d'exprimer l'opinion de cette majorité qu'il ne représente pas plus que l'hon. membre pour Ottawa. Qu'ainsi donc M. D. B. Papineau est réduit à se voir défendre par qui? Par l'un des membres pour la ville de Montréal! Mais que cela ne doit pas étonner; que l'espèce de ministère qu'on a imposé au Bas-Canada n'a pour approbateurs dans cette chambre, quant au Bas-Canada, que les adversaires de sa majorité; ce sont d'abord les membres pour Montréal.⁹⁴

M. MOFFATT l'interrompt pour dire que M. Aylwin n'était pas dans l'ordre, qu'il devait se borner à la question, qu'il lançait des accusations personnelles contre l'hon. membre pour Ottawa, et se servait d'expressions offensantes pour lui.⁹⁵

M. AYLWIN continuant dit que le pays savait bien comment ces deux honorables membres étaient parvenus à leurs sièges; qu'on savait bien que tout avait été mis en jeu pour les imposer à la majorité du Bas-Canada, et que jusqu'à la conduite tenue par la majorité du Haut-Canada en cette mémorable occasion, en rejetant la requête des électeurs de Montréal aussi honteusement qu'on l'avait fait, témoignait de l'espèce de droit qu'ils avaient à la possession de leurs sièges en cette chambre. Que le pays sait et sent que Montréal a été défranchisé de la manière la plus infâme par les procédés les plus iniques. Que M. Le commissaire des terres peut se venter (sic) d'être soutenu par tout autre que par les représentants du Bas-Canada. Qu'il occupe assurément la position la plus déplorable. Quant au procureur-général qui a été

obligé d'aller se faire élire en dehors de la majorité du Bas-Canada, il ne la représente pas d'avantage; il est même inconnu de cette majorité qui le repousse lui aussi bien que ses autres collègues du Bas-Canada, qui ne sont pas même estimés par la minorité de deux qui ne la soutient que comme un pis-aller. Dans le cours de son discours M. Aylwin demanda avec une expression d'indignation si M. D. B. Papineau ne devait pas rougir de se voir ainsi accablé du poids du mépris de tous ses compatriotes (sic), qu'on l'accusait d'une ignorance crasse, qu'il était tout-à-fait incapable de remplir sa charge, et était un sujet de scandale pour le Bas-Canada; qu'il occupait assurément la position la plus ignominieuse, et que s'il avait la cinquantième partie du sentiment qui l'animait, lui M. Aylwin, comme Canadien, il n'occuperait pas sa place un instant de plus.⁹⁶

Les cris de question! question! furent poussés pendant plusieurs minutes de suite sans cessation par la droite en masse (à l'exception pourtant de quelques hon. membres)⁹⁷.

On entendit même un membre de cette droite ... ((disant)) "Put him down!" Abbatez le!⁹⁸

COL. PRINCE rose to order; it was not to be endured that Hon. Members were to be bullied into silence. (Uproar)⁹⁹ Il y avait bien sans doute quelque chose dans ce qu'avait dit l'honorable et savant membre représentant Québec qu'il n'approuvait pas lui-même; mais que s'oublier au point de s'écrier, au sein de cette chambre, qu'il faut l'abattre, c'était une conduite qu'on ne devait pas tolérer, et qui dépassait toutes les bornes.¹⁰⁰

M. AYLWIN ... répét((ait)) ... qu'il ne se laisserait jamais abattre de la sorte.¹⁰¹

MR. BALDWIN rose to order; the Member for Quebec had been perfectly in order when he was interrupted. (Cries of question.)¹⁰²

MR. LAFONTAINE rose to order.¹⁰³

The Speaker ((SIR ALLAN MACNAB)) said the Hon. Member for Quebec was out of order, in digressing from the motion before the Chair; he had no right to attack any Member of that House.¹⁰⁴

MR. AYLWIN again rose, and continued in the same strain as before, when he was again put down by loud and repeated cries of "Order."¹⁰⁵

MR. DEBLEURY rose to order; he had heard with surprise the attack which had been made by the Member for Quebec upon the Hon. Commissioner of Crown Lands, in language which was as contemptible as it was impertinent--.¹⁰⁶

Several gentlemen ... called him to order.¹⁰⁷

MR. LAFONTAINE rose to order.¹⁰⁸

The Speaker ((SIR ALLAN MACNAB)) said that Mr. DeBleury was out of order in calling the language of an Hon. Member "impertinent."¹⁰⁹

MR. HALE reminded the hon. member for Terrebonne, of the expressions which had been used by the hon. member for Quebec; he had stated that the hon. member held an ignominious and degraded position; and had accused him of the most gross and stupid ignorance--(No, no;) yes! gras and grossiere.¹¹⁰

MR. AYLWIN.--It would be as well if the hon. gentleman had said nothing, till he knew the meaning of the word gras. (Order, order.)¹¹¹

MR. DEBLEURY.--Sir,--I bow to your judgment, but I am quite sure that if you had understood the language which has been employed, you would never have allowed such impertinent remarks to have proceeded--(order, order).¹¹² He expressed his regret that the French Canadian Members on the other side of the House should have listened in silence to the infamous attack made on the brother of their great leader¹¹³. That Member had said that the Hon. Commissioner of Crown Lands was held in contempt by the French Canadians;--he, the Member for Quebec, had uttered that calumny--he who now stood forth as the defender of the French Canadians--he had said it, he who was their hangman. (Tremendous cheers and uproar, which lasted for several minutes.)¹¹⁴

Tous les membres du Bas-Canada en masse, et surtout ceux de Québec, s'écrièrent ... Non! non! cela est faux! c'est vous qui teniez cette conduite!¹¹⁵

M. CHAUVEAU et M. CAUCHON le dénoncèrent à l'orateur en lui donnant, en anglais une idée du langage de M. Sabrevois DeBleury qu'il (sic) dirent être non seulement imparlementaire, mais digne des plus bas lieux.¹¹⁶

MR. CAUCHON rose to order; the Member for Montreal had called the Member for Quebec a name, not only unparliamentary, but which could not be applied to any person out of that House¹¹⁷, ((not)) even to the dregs of the people.¹¹⁸

MR. AYLWIN rose ... but, amid loud cries, was ordered to take his seat.¹¹⁹

M. l'orateur ((SIR ALLAN MACNAB)) lui ((M. DeBleury)) enjoignit de se tenir dans l'ordre, ajoutant en même temps qu'il s'imaginait bien qu'il y avait amplement lieu aux digressions.¹²⁰

M. BALDWIN put se faire entendre sur la question d'ordre.¹²¹

M. HALE prétendit que si la conduite de M. DeBleury était imparlementaire, c'était la faute à M. Aylwin qui s'était, selon lui, servi d'expressions très offensantes envers M. Papineau, telles que celle d'ignorance crasse et de position ignominieuse.¹²²

M. AYLWIN dit que bien certainement il avait appliqué cela au commissaire des terres, mais que cela était dans la question, puisque la motion même se rattachait à la conduite de ce monsieur.¹²³

M. LAFONTAINE ... dit en substance qu'il avait lieu d'être étonné que l'on se fut tant efforcé d'imposer silence à l'honorable représentant de la ville de Québec pour avoir répété que l'hon. membre pour Ottawa était incompétent à remplir sa charge. Que l'hon. membre pour la ville de Montréal (M. Moffatt) ne s'était pas levé pour le défendre lorsque l'hon. membre pour Carleton fit sa motion, et n'avait pas même tenté de le rappeler à l'ordre quoiqu'il eut, lui M. Johnston, lancé le premier les accusations d'incapacité et d'ignorance contre l'hon. membre pour Ottawa; que M. Moffatt avait attendu que l'hon. et savant représentant de Québec ... eut répété l'accusation, pour l'appeler à l'ordre. Que le côté vis-à-vis qui se montrait si sensible sur le point n'avait pourtant pas essayé de s'opposer au membre pour Carleton que les hon. membres vis-à-vis écoutèrent au contraire en silence et sans doute avec plaisir comme cela leur arrive toujours lorsque l'hon. membre pour Carleton parle et qu'ils trouvent moyen de faire passer en risée de certaines observations qui ne seraient peut-être pas considérées comme strictement parlementaires sans l'espèce de carte blanche dont il paraît jouir. Que l'hon. membre pour Montréal aurait dû pourtant se lever pour le rappeler à l'ordre lorsque, le premier, il accuse d'incapacité absolue l'hon. commissaire des terres. Que lui, M. LaFontaine, ne le croit pas lui-même absolument incapable de remplir les devoirs de sa charge, comme on l'avait prétendu, et il ne concourt pas dans tout ce qu'a dit l'hon. et savant membre pour Québec; mais qu'il désapprouve le système d'interruption répétées (sic) auxquelles il est en butte, les efforts qu'on semble faire que trop souvent pour imposer silence à d'honorables membres de la gauche. M. LaFontaine dit en outre que la discussion prenait une mauvaise tournure, qu'il voyait bien qu'elle allait devenir toute personnelle, et certes il n'aimait pas que les débats de la chambre puissent avoir un caractère de personnalité, qu'on devait s'appliquer autant que possible à éloigner les personnalités des délibérations de la chambre; que pourtant il fallait reconnaître que l'accusation du membre pour Carleton avait nécessité une réplique qui ne pouvait que participer du caractère et de la nature de l'accusation elle-même qui y donnait lieu; qu'on ne pouvait pas espérer de voir lever de pareilles accusations pour s'attendre à les voir relevées de la manière que l'entendent ceux qui veulent y répliquer, et qu'on ne pouvait vouloir les priver de la liberté de traiter les sujets qui s'y rattachent nécessairement. Il fallait mettre l'honorable membre pour Carleton à l'ordre, ou bien, ne l'avant pas fait, on devait étendre

la même liberté à d'autres honorables membres. Mais que comme il voyait bien que la discussion allait devenir trop personnelle, il consentirait à ne pas faire d'autres remarques, à ne pas relever de certaines observations qui avaient été faites par quelques membres, si l'on voulait retirer la motion.¹²⁴

Plusieurs ... ((membres ont)) fait des remarques.¹²⁵

M. LAFONTAINE fit observer qu'il ne consentirait pas à laisser retirer la motion si l'on persistait dans de semblables observations.¹²⁶

M. JOHNSTON dit à plusieurs reprises qu'il la retirait¹²⁷ .

Plusieurs voix de la droite criaient qu'elle était retirée.¹²⁸

MR. LAFONTAINE thought it would be better to put the question at once.¹²⁹

The Speaker ((SIR ALLAN MACNAB)) ... began--"The question will be"¹³⁰⁻

The Attorney General ((MR. JAMES SMITH)) rose, and was proceeding to make some remarks¹³¹⁻

COL. PRINCE ... addressed the Chair on a point of order, insisting that the question for the withdrawal of the motion had been put and carried before Mr. Smith was on his feet.¹³²

This was denied¹³³ .

COLONEL ((PRINCE)) ... ((persisted)).¹³⁴

Ultimately, the Attorney General ((MR. JAMES SMITH)) was allowed to proceed¹³⁵ . He had heard, with surprise and sorrow the language which had been addressed to the venerable gentleman on his left, by the Member for Quebec; and he regretted not to see one gentleman among the Representatives of the French Canadians who had generosity enough to get up in his place and defend their countryman from the gross calumnies which had been heaped upon him.¹³⁶ .

Ah, ah, from MR. AYLWIN; and cries of order.¹³⁷

((MR. JAMES SMITH continued:)) The Hon. Member had dared to say that that venerable gentleman represented no portion of the French Canadian population¹³⁸ .

No, no, he does not.¹³⁹

((MR. JAMES SMITH resumed:)) He would ask that Member what portion of that population he represented.¹⁴⁰

MR. AYLWIN.--The city of Quebec.¹⁴¹

The Atty. Gen. ((MR. JAMES SMITH)).--The city of Quebec!! he would tell that Hon. gentleman, that he _____.¹⁴²

MR. AYLWIN here rose and interrupted the Attorney General, shaking his clenched hand at him, across the House.¹⁴³

The Speaker ((SIR ALLAN MACNAB)) rose and, advancing to the verge of the platform, said--The Member for Quebec was out of order: he had no right to shake his hand at any Hon. gentleman, across the House.¹⁴⁴ Nothing could be a more gross breach of privilege, than for one member to shake his hand at another.¹⁴⁵ He had had occasion to call the Hon. Member to order several times that evening, and if his authority was not sufficient to keep order in that House, he should be obliged to name the offender, and leave him to be dealt with as the House should think fit.¹⁴⁶

Here seven or eight gentlemen rose, and MR. LAFONTAINE and COL. PRINCE, said that the Attorney-General was the party who was out of order.¹⁴⁷

MR. ATT. GEN. ((JAMES))SMITH again rose, and was proceeding¹⁴⁸⁻⁻

M. LAFONTAINE ... ((a)) insisté sur son droit de faire vider les galeries¹⁴⁹

The Speaker ((SIR ALLAN MACNAB)) ordered the galleries to be cleared.¹⁵⁰

Accordingly the doors were closed¹⁵¹

((MR. JAMES SMITH)) called upon both sides of the House to drown down such attempts as had been made that night to excite the feelings of race, and to create division. He was confident, that, although every French Canadian Member but Mr. Lafontaine had sat silent under the attack made upon the Commissioner of Crown Lands, that the day was not far distant when they would treat such sentiments as they deserved, and shew the Member who had so far forgotten himself as to utter them, that such feelings as he had evinced, were repudiated and held in contempt by the people of Lower Canada. He trusted that what had occurred in the House, on that evening, would not be without its effect, in preventing the recurrence of such conduct in future, and in putting an end to those violent feelings of race and party which had been the curse of the country.¹⁵²

MR. LAFONTAINE and some other Members spoke upon the question.¹⁵³

The motion was at length withdrawn ((by MR. JOHNSTON))¹⁵⁴ .

The doors ((were)) once more opened.¹⁵⁵

FOOTNOTES - 4 FEBRUARY 1845.

1. The debate on this matter was reported by: MONTREAL GAZETTE, 6 February 1845, copied by BRITISH WHIG, 11 February 1845, and KINGSTON NEWS, 13 February 1845, in identical accounts; and the GLOBE, 18 February 1845, and MONTREAL TRANSCRIPT, 6 February 1845, in identical accounts.
2. GLOBE, 18 February 1845.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. The debate on this motion was reported by: GLOBE, 18 February 1845, and MONTREAL TRANSCRIPT, 6 February 1845, in identical accounts; and MONTREAL GAZETTE, 6 February 1845, copied by BRITISH WHIG, 11 February 1845, and KINGSTON NEWS, 13 February 1845, in identical accounts.
12. GLOBE, 18 February 1845.
13. IBID.
14. MONTREAL GAZETTE, 6 February 1845.
15. IBID.
16. IBID., which noted: "Messrs. Hale, Colville, Williams, Bertrand, and M'Donell, of Glengarry, alone ... ((voted)) for it."
17. The debate on this matter was reported by: MONTREAL GAZETTE, 6 February 1845, copied by BRITISH WHIG, 11 February, 1845, and KINGSTON NEWS, 13 February 1845, in identical accounts; and the GLOBE, 18 February 1845, MONTREAL TRANSCRIPT, 6 February 1845, and BRITISH COLONIST, 18 February 1845, in identical accounts.
18. MONTREAL GAZETTE, 6 February 1845.
19. GLOBE, 18 February 1845.
20. MONTREAL GAZETTE, 6 February 1845, copied by BRITISH WHIG, 11 February 1845.
21. The debate on this matter was reported by: MONTREAL GAZETTE, 6 February 1845, copied by BRITISH WHIG, 11 February 1845, and KINGSTON NEWS, 13 February 1845, in identical accounts; MONTREAL TRANSCRIPT, 6 February 1845; and BRITISH COLONIST, 14 February 1845. LE JOURNAL DE QUEBEC, 10 February 1845, contained a commentary.
22. BRITISH COLONIST, 14 February 1845.
23. The debate on this matter was reported by: MONTREAL GAZETTE, 6 February 1845, copied by BRITISH WHIG, 11 February 1845, and KINGSTON NEWS, 13 February 1845, in identical accounts; LE JOURNAL DE QUEBEC, 10 February 1845; and MONTREAL TRANSCRIPT, 6 February 1845, and BRITISH COLONIST, 14 February 1845, in identical accounts.
24. MONTREAL GAZETTE, 6 February 1845.
25. BRITISH COLONIST, 14 February 1845.
26. MONTREAL GAZETTE, 6 February 1845, which added sarcastically that Cauchon "wasted a considerable quantity of the eloquence of the Quebec Debating Club."

27. The debate on this Bill was reported by: MONTREAL TRANSCRIPT, 6 February 1845; and the GLOBE, 18 February 1845, and BRITISH COLONIST, 18 February 1845, in accounts that are identical except that in the GLOBE some of the speeches have been omitted entirely.
28. BRITISH COLONIST, 18 February 1845.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. IBID.
35. IBID.
36. IBID.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. The debate on this matter was reported by: BRITISH COLONIST, 18 February 1845; MONTREAL TRANSCRIPT, 6 February 1845; and the GLOBE, 18 February 1845, MONTREAL GAZETTE, 6 February 1845, copied by BRITISH WHIG, 11 February 1845, KINGSTON NEWS, 13 February 1845, and EXAMINER, 19 February 1845, in identical accounts.
42. MONTREAL GAZETTE, 6 February 1845.
43. BRITISH COLONIST, 18 February 1845.
44. MONTREAL GAZETTE, 6 February 1845.
45. BRITISH COLONIST, 18 February 1845.
46. MONTREAL GAZETTE, 6 February 1845.
47. BRITISH COLONIST, 18 February 1845.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. LE JOURNAL DE QUEBEC, 10 February 1845.
55. MONTREAL GAZETTE, 6 February 1845, copied by BRITISH WHIG, 11 February 1845.
56. IBID.
57. IBID.
58. IBID.
59. IBID.
60. IBID.
61. IBID.
62. The debate on this motion was reported by: the GLOBE, 18 February 1845, and BRITISH COLONIST, 14 February 1845, in identical accounts; MONTREAL GAZETTE, 6 February 1845, copied by BRITISH WHIG, 11 February 1845, KINGSTON NEWS, 13 February 1845, and EXAMINER, 19 February 1845, in identical accounts; L'AUORE, 5, 6 February, 6 March 1845; LA MINERVE, 6 February 1845; MONTREAL TRANSCRIPT, 6 February 1845, in a report which is partly illegible; L'AUORE, 8 February 1845, in a letter from "Guepe"

to the Editor; and L'AURE, 15 February 1845, citing LE CANADIEN. Most sources also commented strongly on this episode as well as reporting the actual events and the words spoken. For example, the COLONIST entitled its report: "CROWN LANDS DEPARTMENT,--MOST DISGRACEFUL PROCEEDINGS IN THE ASSEMBLY." L'AURE, 6 March 1845, reported that: "En parlant de la scène Aylwin, M. Cauchon dit: C'est ainsi que se termina cette tempête et qu'un soleil glorieux brilla sur la tête de celui que l'on voulait abattre." LA REVUE CANADIENNE, 8 February 1845, contained a commentary.

63. MONTREAL GAZETTE, 6 February 1845.

64. BRITISH COLONIST, 14 February 1845.

65. IBID.

66. IBID.

67. MONTREAL GAZETTE, 6 February 1845.

68. BRITISH COLONIST, 14 February 1845.

69. MONTREAL GAZETTE, 6 February 1845.

70. BRITISH COLONIST, 14 February 1845.

71. IBID.

72. IBID.

73. IBID.

74. IBID.

75. IBID.

76. IBID.

77. IBID.

78. IBID.

79. IBID.

80. MONTREAL TRANSCRIPT, 6 February 1845.

81. BRITISH COLONIST, 14 February 1845.

82. MONTREAL TRANSCRIPT, 6 February 1845, which unfortunately becomes completely illegible at this point in LaFontaine's speech. The original was torn away and the microfilm resumes only somewhat later in the debate.

83. BRITISH COLONIST, 14 February 1845.

84. IBID.

85. IBID.

86. IBID.

87. IBID.

88. LA MINERVE, 6 February 1845.

89. MONTREAL GAZETTE, 6 February 1845, copied by BRITISH WHIG, 11 February 1845. According to the BRITISH COLONIST, 14 February 1845, he pointed his finger at Papineau when saying this.

90. LA MINERVE, 6 February 1845.

91. IBID.

92. IBID.

93. IBID.

94. IBID.

95. IBID.

96. IBID. Aylwin's speech was so continually interrupted during this speech, a fact attested to by all the sources, that it is quite difficult

to be certain of the order of speakers who interrupted, either him or another interrupter. The newspapers all complained of tremendous problems in reporting this debate; the reconstructed debate is of course collated as logically as possible, but there is nevertheless doubt about the exactness of the reports in the newspapers themselves.

97. LA MINERVE, 6 February 1845.

98. IBID.

99. MONTREAL GAZETTE, 6 February 1845.

100. LA MINERVE, 6 February 1845.

101. IBID.

102. MONTREAL GAZETTE, 6 February 1845.

103. IBID.

104. IBID.

105. IBID. LA MINERVE, 6 February 1845, summarized the debate from Prince's remarks until DeBleury spoke again, by mentioning that the ministerial supporters continued to call Mr. Aylwin to order, the opposition supporters defending him, while he himself continually replied in French, repeating his previous remarks.

106. MONTREAL GAZETTE, 6 February 1845.

107. BRITISH COLONIST, 14 February 1845.

108. MONTREAL GAZETTE, 6 February 1845.

109. IBID.

110. BRITISH COLONIST, 14 February 1845.

111. IBID.

112. IBID.

113. MONTREAL TRANSCRIPT, 6 February 1845.

114. MONTREAL GAZETTE, 6 February 1845.

115. LA MINERVE, 6 February 1845.

116. IBID. These remarks are reported together because it is not possible to discover which member said precisely what. However, separate accounts of Cauchon's speech are available, and a collated account follows.

117. MONTREAL GAZETTE, 6 February 1845.

118. BRITISH COLONIST, 14 February 1845.

119. MONTREAL GAZETTE, 6 February 1845, which commented that he rose "in considerable excitement". It added that "Several Members here rose and attempted to be heard, but for fully five minutes the uproar was so great that not a word could be heard."

120. LA MINERVE, 6 February 1845.

121. IBID.

122. IBID.

123. IBID.

124. IBID.

125. IBID.

126. IBID.

127. IBID.

128. IBID.

129. BRITISH COLONIST, 14 February 1845.

130. IBID.

131. MONTREAL TRANSCRIPT, 6 February 1845.
132. IBID.
133. IBID.
134. IBID.
135. IBID.
136. MONTREAL GAZETTE, 6 February 1845.
137. BRITISH COLONIST, 14 February 1845.
138. MONTREAL GAZETTE, 6 February 1845.
139. BRITISH COLONIST, 14 February 1845.
140. MONTREAL GAZETTE, 6 February 1845.
141. IBID.
142. IBID.
143. IBID.
144. IBID.
145. BRITISH COLONIST, 14 February 1845.
146. MONTREAL GAZETTE, 6 February 1845.
147. BRITISH COLONIST, 14 February 1845.
148. MONTREAL GAZETTE, 6 February 1845.
149. LA MINERVE, 6 February 1845.
150. BRITISH COLONIST, 14 February 1845.
151. MONTREAL TRANSCRIPT, 6 February 1845. Despite the fact that the doors were closed, there are still accounts of the debates available. Neither the TRANSCRIPT, nor the MONTREAL GAZETTE, 6 February 1845, mention precisely how they obtained their reports, though the TRANSCRIPT assured its readers that its account was "a pretty correct" one. The EXAMINER's parliamentary correspondent admitted that his report was easily obtained: he simply put his ear against the keyhole and listened. However, his account of the events is very skimpy, because "we at length tired of listening at the door". His main contribution to the report was an account of Mr. Rolland Macdonald of Cornwall's calling Mr. Aylwin to order during some confusion in the House. "The learned member in a shrill nasal squealing tone screeched out, 'I call the honourable member for Quebec to order.'" At another point, this correspondent reported that someone, either in the House or in his company of ear-to-the-keyhole-listeners, remarked that another member, an unidentified ministerial supporter, said, "he drinks nothing but cold water and if he is at an immeasurable distance in point of intellectual endowment from Tom Aylwin, he does not disgrace himself by drowning his intellect in goblets of wine--because, replied the other he has no intellect to drown."
152. MONTREAL GAZETTE, 6 February 1845.
153. IBID.
154. IBID.
155. IBID.

THURSDAY, 6 FEBRUARY 1845.

(233)

Champlain and
St. Lawrence
Rail Road.

of Lower Canada, for the year 1844.

MR. SPEAKER laid before the House, a Statement of the affairs of the Champlain and St. Lawrence Railroad, as required by the 49th section of the Act, 2nd William IV., cap. 58, of the late Province

(234)

Petitions
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Colville, the Petition of the Reverend William Morris and others, members of the Church of England, at Huntingdon, in the county of Beauhar-
nois, (relating to Clergy Reserves.)

By the Honourable Mr. Daly, the Petition of E. Larue and others, of the county of Lotbinière; and the Petition of the Reverend Etienne Baillargeon and others, of the parish of St. Nicolas, in the county of Dorchester.

By Mr. Meyers, the Petition of the Reverend J. Wilson and others, members of the United Church of England and Ireland, in the mission of Colborne and Grafton, in the diocese of Toronto.

By Mr. Chalmers, the Petition of Nathaniel Bell, of Nelson, in the district of Gore, surgeon; and the Petition of the Reverend George W. Warr and others, members of the United Church of England and Ireland, in the township of Trafalgar, in Upper Canada, (relating to schools).

By the Honourable Mr. Papineau, the Petition of Baxter Bowman, Esquire, and others, of the county of Ottawa.

By Mr. Macdonald, of Glengarry, the Petition of Robert M'Kay and Peter M'Kay, of Montreal.

By Mr. LeMoine, the Petition of H. Nesbitt and others, of the township of Sherrington, in the county of Huntingdon.

The Honourable Mr. Attorney General Smith moved, seconded by the Honourable Mr. Papineau.

Courts of
Assizes,
Upper Canada.

That the engrossed Bill to make further regulation for holding the Courts of Assize and nisi prius, Oyer and Terminer, and General Gaol Delivery, in Upper Canada, and to provide for the trial of prisoners, under certain circumstances, be now read for the third time.

Mr. Roblin moved, in amendment, seconded by Mr. Powell, That all the words after "now" in the said motion, be struck out, and the following substituted: "recommitted to a Committee of the whole House, for the purpose of striking out the words Prince Edward, and Talbot, in the second enacting clause."

The question having been put on the motion of amendment, a division ensued, and it passed in the negative.

The question being then put on the main motion, it was unanimously agreed to by the House, and

Ordered accordingly.

The said Bill was then read for the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Solicitor General Sherwood, do carry the said Bill to the Legislative Council, and desire their concurrence.

Line Fences. An engrossed Bill to repeal an Act therein mentioned, and to provide for the regulation of Line fences, and Water courses in Upper Canada, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Roblin do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions Pursuant to the Order of the Day, the following read.
Petitions were read:--

Of J. Birch and others, of the city of Quebec, praying that the building erected for a Custom House in the said city, may not be appropriated to the purposes of a Marine Hospital, as petitioned for.

Of William H. Moore and others, of the district of Colborne, praying that the assignment of the Clergy Reserve Lands petitioned for, may not be granted, but that the said Lands may be sold, in accordance with the Imperial statute, 3 and 4 Victoria, chapter 78.

Of Mrs. Dorothy E. Spaun, of the town Hamilton, in the district of Gore, widow of the late Jacob Spaun, praying for the payment of a certain sum due to her late husband as a Contractor for the Burlington Bay Canal.

Of Jacob Rombaugh and others, of the townships of Camden and Ernestown; and of John Black and others, occupants of Clergy Reserves, in the township of Camden, in the Midland district, praying that the assignment of

the Clergy Reserve Lands petitioned for may not be granted.

Of the Board of the Royal Institution for the Advancement of Learning, praying that the Act 41 George III. chapter 17, may be so amended as to allow them to alienate and dispose of a part of the real property belonging to McGill College, for the purpose of increasing the revenue of the same.

Of James Parland, Abraham Coffin, and others, of Gaspé Bay, engaged in the Whale, Cod, and other fisheries of the Gulf of St. Lawrence, praying the House to determine how far the pretensions of the Lessees of the King's Posts, and other places on the North Shore of the River and Gulf of St. Lawrence, to exclusive rights in the said places, are legal.

Of Alexander Ferguson and others, of the township of Mariposa, in the district of Tolbora, praying for aid to improve the district line of road from the Talbot river to the village of Prince Albert, including the Nonkwan bridge.

Of Levi Cleveland and others, of the townships of Kingsey, Shipton, and Tingwick, praying for aid to complete the road from Sydenham to Glen Douglas.

Of F. X. Lachance and other pilots for the River St. Lawrence, in and below the Harbour of Quebec, praying that no change may be made in the laws affecting them, without affording them an opportunity of making known their views.

Of John Kilborn and others, proprietors of lands on the Rideau Canal, in Crosby and other townships in the district of Johnstown, praying that the boundary lines of their lands may be defined.

Of David Connell and others, of Hatley and vicinity, in the district of St. Francis, and of T. J. Taylor and others, of the township of Eaton, in the district of St. Francis, praying that no action may be taken as regards the charters of King's College, and McGill College, which shall not include all other chartered institutions of learning in the Province.

Of Alexander M'Gregor, late a serjeant in Her Majesty's 71st Highland Regiment of Light Infantry, praying for a grant of land in consideration of his past services.

Of John Hammill, of the town of Brantford, in the district of Gore, praying for the payment of an amount yet due him, as contractor, for building the bridge across the Grand River at Brantford, and the small channel on the west side of the River.

(235)

Of the Reverend Job Deacon and others, members of the United Church of England and Ireland, in the parishes of Adolphustown and Fredericksburgh, in the Midland district, praying for the repeal of the Common School Act, and the adoption of some system under which religious instruction may be provided.

Of the Chairman of the Municipal Council of the Midland district, praying for certain amendments to the Municipal Council Act.

Of Robert Atchison and others, of the townships of Ashfield and Wawanosh, in the district of Huron, praying for the reduction of the price of Government Lands, and that a certain time may be allowed to emigrants to pay for the same.

Of Leonard H. Dunlop, late sub-contractor on the Beauharnois canal, praying for the payment of an amount yet due him as a sub-contractor on the Beauharnois canal.

Of James Calcutt, of the town of Cobourg, Distiller and Brewer, praying that no duty may be imposed on beer, or otherwise that such duty may be regulated by the quantity of malt used; that the duty upon whiskey may be regulated by the quantity of spirits produced; and that steps may be taken effectually to prevent the introduction of smuggled whiskey from the United States.

Of the Mayor, Alderman, and Citizens, of the City of Quebec, praying that a law be passed, granting further aid towards completing the Marine Hospital, converting it into a General Hospital, and establishing therein professorships in the different branches of medicine and surgery.

Of the Reverend George Mackie and others, Directors of the High School of Quebec, praying for the incorporation of the said institution.

Of James Ruthven and others, of the township of Aldborough, praying for the construction of a bridge across the river Thames, and the improvement of a road leading to the shores of lake Erie.

Of William Donaldson and others, of Kingston, praying to be incorporated under the name of "The Merchant Seamen's Society."

Petitions
referred.

J. Calcutt
and others.

Ordered, That the Petition of James Calcutt, of the town of Cobourg, Distiller and Brewer, be referred to the Select Committee to which was referred the Bill to impose a duty on Distillers and Brewers, and on spirituous and fermented liquors made by them, and to provide for the collection of the said duties, and other references.

L.H. Dunlop.

Ordered, That the Petition of Leonard H. Dunlop, late sub-contractor on the Beauharnois canal, be referred to the Special Committee appointed to inquire into all matters and things connected with the management and collection of dues on the Chambly canal.

J. Kilborn
and others.

Resolved, That the Petition of John Kilborn and others, proprietors of lands on the Rideau Canal, in Crosby and other townships, in the district of Johnstown, be referred to a Select Committee, composed of Mr. Gowan, Mr. Smith, of Frontenac, Mr. Sherwood, of Brockville, and Mr. Stewart, of Bytown, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Stormont
Election.

Mr. Méthot, chairman of the Select Committee, appointed to try the merits of the Petition of Alexander M'Lean, Esquire, and others, electors of the county of Stormont, complaining of the undue election and return of Donald Aeneas Macdonell, Esquire, to represent the said county of Stormont, in this present Parliament, presented to the House the final Report of the said Committee; which was again read at the Clerk's table, and is as followeth:--

LEGISLATIVE ASSEMBLY,
Committee Room, 6th February, 1845.

The Committee appointed to try the merits of the Petition of Alexander M'Lean and others, complaining of the undue election and return of Donald Aeneas Macdonell, Esquire, to represent the county of Stormont, have the honour to report their final decision thereon, as embodied in the following resolutions:--

Resolved, That Donald Aeneas Macdonell, Esquire, was duly elected a Member to represent the county of Stormont, in the present Parliament.

Resolved, That neither the Petition, nor the defence of the Sitting Member, is frivolous or vexatious.

A. P. METHOT,
Chairman.

Petition of
W. Donaldson
and others.

Resolved, That the Petition of William Donaldson and others, of Kingston, be referred to a Select Committee, composed of Mr. Macdonald, of Kingston, Mr. Williams, Mr. Petrie, Mr. Meyers, and Mr. Stewart, of Bytown, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

R. Neyron
and others.

The Honourable Mr. LaFontaine, from the Select Committee, to which was referred the Petition of the Reverend Raphael Neyron, Curé of St. Benoit; and the Petition of Jean Bte. Richer, senior, and others, inhabitants of St. Benoit, in the district of Montreal, presented to the House, the Report of the said Committee; which was again read at the Clerk's table, and is as followeth:--

Your Committee has examined several witnesses, and several documents produced by the Reverend Mr. Neyron in support of his evidence.

The Church and Presbytère of St. Benoit were destroyed by fire in the month of December, 1837, when the village of that parish was burnt, while in the occupation of Her Majesty's Troops, under the command of Lieutenant General Sir John Colborne.

Immediately after the battle of St. Eustache, the Troops were marching upon the village of St. Benoit, situated at a distance of about four leagues from that of St. Eustache. Just as they were leaving the latter village, a deputation of the inhabitants of St. Benoit went up to Lieutenant General Sir John Colborne, informed him, on the part of their parishioners, that they were not in a state of insurrection, and solicited his protection for themselves and their property. The members composing the deputation obeyed without delay the order given them by Sir John Colborne, to tell the inhabitants of St. Benoit to repair to the village, and bring with them all the arms they might have in their possession. When the Troops entered the village, they found the inhabitants assembled; and the few who had arms gave them up. No resistance whatever was made to the Troops. On the morrow the houses and buildings of the village were set fire to, and the Church, Presbytère, and the appurtenances, were destroyed in the conflagration. The ornaments and moveables of the Church disappeared, either from having been consumed or carried off. The Church and Presbytère were stone buildings, and had cost at least £6000 currency. The value of the Church and Presbytère was estimated at £5000 currency, by Mr. Joseph Bronsdon, who was employed in 1839 for this object by the Commissioners appointed to carry into effect an Ordinance of the Special Council. But he has not included in that estimate, the value of the ornaments and other moveables belonging to the Church. It appears, from the evidence taken before your Committee, that the Parish of St. Benoit had not sufficient means to rebuild those edifices.

(236)

Upon mature deliberation, your Committee is unanimous in expressing its opinion, that the prayer of the Petitioners, under such favourable circumstances, deserves to be granted by your Honourable House, and Her Majesty's Government; and that the Fabrique of St. Benoit ought therefore to be indemnified, in order to enable it to rebuild the Church and Presbytère of that Parish, consumed as aforesaid in 1837.

(T R A N S L A T I O N .)

No. 1.

Estimate of the Value of the Church at St. Benoit, and of the Presbytère and Immoveables belonging to the said Church, which were all destroyed by fire on the 16th December, 1837:--

I, the undersigned, Curate of St. Benoit, do hereby certify, that I summoned Messrs. François Vezina and Pierre Raby, the only remaining Trustees for the erection of the Church at St. Benoit, in order that I might inquire of them what sum had been expended for the said Church. The said Trustees stated to me that the total amount of the cost of the Church, and its appurtenances, was one hundred and five thousand livres, old currency 105,000 Whereof eighty-six thousand were expended in the construction of the Church, including the masonry and the roof, and the remainder in the construction of the Presbytère and its appurtenances, which would make the body of the Church, and of the Presbytère and out buildings, worth the sum of one hundred and five thousand livres.

According to the extracts from the Registers of the Fabrique, the exterior and interior decorations amounted to forty-four thousand livres, old currency 44,000 making, together with the one hundred and five thousand livres, the sum of one hundred and forty-nine thousand livres, old currency.

I moreover certify, that I inquired of Messrs. Basile Joron, Amable Labrosse, Joseph Charlebois, and others, Church Wardens, who were in office before the fire, and who assured me that the Church of St. Benoit was in possession of costly furniture, as well in silver as in ornaments, linen, &c., the value whereof could not be less than twenty thousand livres, old currency 20,000 making, together with the sum of one hundred and forty-nine thousand livres, a total sum of one hundred and sixty-nine thousand livres, old currency 169,000

In testimony whereof, I have given the present certificate.

R. NEYRON,
Priest.

St. Benoit, 14th January, 1841.

(T R A N S L A T I O N .)

No. 2.

Extract from the Registers of the Parish of St. Benoit, County of the Lake of Two Mountains.

By an Act passed at a meeting of the Church Wardens, and dated the thirtieth day of May, one thousand eight hundred and twenty-four, it was unanimously decided that the Curé and the three Church Wardens in office (en oeuvre) should enter into an agreement with Sculptors, Architects, and Joiners, for the work required in the interior of the Church and in the Vestry (Sacristie.) And the three Church Wardens in office, to wit, Michel Lalonde, (Marquiller en charge) Jean Baptiste Dumouchel and Jean Baptiste Richer dit Louveteau, entered into a contract with Messrs. St. James and Dugal, Sculptors, for the work as above, for the sum of thirty-eight thousand pounds, (old currency.) which contract was passed between the said Church Wardens and the said Sculptors, before Maitre. Jean Jos-

eph Girouard, Notary Public for this Province, and dated the ninth day of June, one thousand eight hundred and forty-four.

On this twenty-first day of August, one thousand eight hundred and thirty-six, the "ancient" Church Wardens and the Church Wardens in office, having been called together for this purpose, according to the ordinary form, considering the urgent necessity of painting the steeple anew and covering it with sand; lengthening the roof of the Church, so as to make it project further, and prevent the walls from being damaged by the water; of painting and repairing the porch of the Church, the steps, the covert-way; of painting the windows; of painting the Church doors and covering them with sand, and of making other small repairs detailed at greater length in the estimate, did authorize the Curé and the Church Wardens in office to contract for the said repairs with Mr. Réné St. James, contractor for the interior decorations of the Church, for a sum not exceeding six thousand livres, (old currency.)

Present--Jacques Massu, Basile Joron and Joseph Charlebois, Church Wardens in office, Amable Labrosse, Jean Baptiste Richer, Pierre Brayes, Joseph LaMagdeleine, François Vézina, Joachim Boyer and Paul Boyer, who declared that they could not sign their names, and Ignace Raezeime who hath signed with us.

(Signed,)

RAIZEIME AND CHARTIER,
Priest.

I, the undersigned, Curé of St. Benoit, do certify that the above extracts are entirely in conformity with the original.

R. NEYRON,
Priest.

St. Benoit, 14th January, 1841.

Legal recourse
on Executive
Government.

Mr. Christie, from the Special Committee, to which was referred the Bill to provide a legal recourse to Her Majesty's subjects in the Province, having legal or just claims upon the Executive Government thereof, and to enable Her Majesty the more effectually to do justice in such cases, reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table.

Ordered, That the said Bill and Report be committed to a Committee of the whole House, on Monday next.

Mistake in
Election
Returns.

The House being informed that there was a mistake in the Return made by the Clerk of the Crown in Chancery to this House, on the 30th January last, respecting the elections for the counties of Simcoe, Saguenay, Kent, and Lanark, and the town of London,

Ordered, That the Clerk of the Crown in Chancery, do attend this House forthwith, with his Return book.

And he attended accordingly.

And the entries in the said Return book, relating to the last Writ for the county of Kent were read, by which it appeared that the said Writ is returnable on the twenty-eighth of February instant.

Ordered, That the said Return of the Clerk of the Crown in Chancery, be amended by rasing out the words "15th March," in the sixth column, and inserting the words "28th February" instead thereof.

And the Clerk of the Crown in Chancery amended the said Return accordingly.

On motion of Mr. Dunlop, seconded by Mr. Dickson,

(237)

Canada
Company's
Expenditure.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will cause the proper officer

to lay before this House, the Report of Captain Jones, ordered by the Lieutenant Governor of Upper Canada, on the expenditure of upwards of forty-eight thousand pounds, by the Canada Company, the same being public money, and all documents thereto relating.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

Culling and Measurement of Timber.

Ordered, That Mr. Stewart, of Bytown, have leave to bring in a Bill, to regulate the culling and measurement of timber, masts, spars, deals, staves, and other articles of a like nature,

and to repeal the Act 7 Victoria, chapter 25.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Thursday next.

On motion of the Honourable Mr. LaFontaine, seconded by the Honourable Mr. Baldwin,

Statement of Public Works.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a Statement of Public Works, as required by the 30th section of the 4th and 5th Victoria, chapter 38.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House, as are of the Honourable the Executive Council of this Province.

Pilots.

Ordered, That the Honourable Mr. Laterrière have leave to bring in a Bill to compel Pilots to qualify themselves for piloting vessels through all the channels of the river St. Lawrence, below Quebec.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time; and ordered to be read a second time, on Wednesday next.

On motion of the Honourable Mr. Moffatt, seconded by Mr. Greive,

Montreal High School.

Ordered, That that part of the Ninth Report of the Standing Committee on Private Bills, which relates to the Bill to incorporate the High School of Montreal, be now taken into consideration.

The House proceeded accordingly to take the same into consideration.

And the amendment made by the Committee to the said Bill, being again read, and the question of concurrence being put thereon, it was agreed to by the House.

Ordered, That the blank in the first clause of the said Bill, be filled up with the words, "one thousand."

Ordered, That the said Bill, as amended, be engrossed.

Officer of
Surveyor
General.

Ordered, That the Honourable Mr. Papineau have leave to bring in a Bill to abolish the office of Surveyor General, and to provide for the performance of the duties of that office, by the Commissioner of Crown Lands.

He accordingly presented the said Bill to the House,¹

MR. BALDWIN thought some explanation ought to be given for the abolition of the ancient office of Surveyor General², instead of the newer and less permanent one of commissioner of Crown Lands.³

DR. DUNLOP said the gentlemen on the other side were always talking of economy, but they had always taken care to leave it to others to practice. The country would receive, as a great boon, the abolition of this office, and the merging of the two departments into one.⁴

The Attorney General (east) ((MR. JAMES SMITH)) stated, that at the proper stage, Government would be prepared to give the proper explanations upon the point raised by the hon. member for the fourth riding of York.⁵

(237)

and the same was received and read for the first time; and ordered to be read a second time, on Friday, the fourteenth instant.

Registry Laws.

The Order of the Day for the House in Committee on the Bill to alter and amend the Registry Laws of that part of this Province, which was formerly Upper Canada, being read,

The House accordingly resolved itself into the said Committee.

Mr. Merritt took the chair of the Committee,⁶

COL. PRINCE said, that this Bill was the offspring of the Solicitor General of Upper Canada, and last Session passed the Assembly, and was send down by the Council with certain amendments on the day the House was prorogued. A certain Hon. Member, in order to prevent these amendments being concurred in, raised objections to the Bill, and spoke against

time and thus the House was prorogued before the Bill could be perfected.⁷

MR. ((HENRY)) SMITH (Frontenac) wished to know whether the present bill was intended to do away with the plurality of offices which were now held by registrars. He believed there was one registrar who held three offices.⁸

MR. MURNEY said, that his was a County, the Registrar of which was also Registrar of two other Districts. He had held that situation twenty years, and never set foot in the county, but put his son in the office. The consequence of this was, that the duties were so much neglected that numberless complaints were made to the father without effect; the office was presented by the Grand Jury with little better success: and at length, after complaint having been made to the Government, he was ordered to appoint a new Deputy. At length, when the affairs of the office were looked into, it was found that 600 memorials had never been registered, but were stored in the vaults, where no access could previously be had to them; and it was found that one half of the titles which were certified as duly registered, had never been entered at all, but the pages of the Register were blank. He was now waiting for a report of the defects of the office, to bring in a bill to perfect these titles.⁹

MR. SOL. GEN. ((HENRY)) SHERWOOD said the intention of the Bill was, that there should be a Registrar for every County, and that no Registrar should be allowed to hold more than one office. It also provided that the Registrar should reside in the County Town. There were only two persons who would be affected by this Bill, one of whom was Mr. M'Lean, of Kingston, who held three offices. That gentleman was now very old, and in the course of nature could not live long.¹⁰ He thought, that he should keep one of these offices, and let other persons take the others. ... Mr. Lount was the registrar in the county of Simcoe, and he had persisted in holding his office in a most inconvenient place; this bill would prevent any abuse of that kind.¹¹

MR. BALDWIN thought that there was no necessity for making it compulsory upon registrars to reside in the county of which they are registrars. He said that Mr. Lount had always performed his duty extremely well; and, although his office was not in the county town, yet it was situated in the most populous part of the county, and in the direct course of traffic.¹² Nor was it right that Mr. M'Lean should be deprived of his office because he was an old man; that ought to be rather an inducement for him to be allowed to retain them.¹³

MR. MURNEY said he hoped the clause would pass as it stood. The greater part of the business of the Register Office in his county had been done in the bar-room of a tavern in Belleville; and the most valuable deeds deposited in a small desk, which any one might have carried off.¹⁴ ((He also)) pointed out the necessity, which existed for the

residence of registrars in their counties, because if they were not residents, it would often occur, that parties having business with them, would have to wait at the office, while a special messenger was sent to fetch them.¹⁵

MR. ((HENRY)) SMITH would vote against the clause¹⁶; he could never consent to take away from Mr. M'Lean any of the offices which he now holds. That gentleman had been at one time Speaker of the Parliament of Upper Canada, and had undertaken the duties of registrar at a time when the emoluments were very trifling¹⁷, when they were not worth \$50 a year. The most valuable one he had lately been deprived of, and he ought to be allowed, as he was now in his dotage, to retain his office, and to do its duty by deputy.¹⁸ It would be a very great hardship, if now, in his old age, he were deprived of his means of living, or were forced to remove from the residence where he had lived for forty or fifty years.¹⁹ He moved in amendment, that the fourth clause providing for the single holding of office, and residence of the Registrar in the district, be struck out.²⁰

MR. ((HENRY)) SHERWOOD, in opposing the amendment, said that Mr. M'Lean was now incompetent to transact any business; he was imbecile; in fact, he had been induced to make away with valuable property, which was now the subject of a suit in Chancery. He would be most willing that Mr. M'Lean should be provided for, by pension, part of the fees of the offices, or in any other manner, but it was necessary that the evil should cease at once, and Registrars be appointed for every county. It was not in the power of the Government to remove a Registrar on complaint; it was an act of that House alone which could remove him.²¹

MESSRS. JOHNSTON, SMALL ... spoke in favour of the clause.²²

((MR. ROBLIN also spoke in favour of the clause.)) He did so with regret on account of the services, age, and misfortune of Mr. M'Lean. He hoped some arrangement would be made to provide for him, by giving him a certain portion of the fees, for life.²³

MR. GOWAN spoke in favour of the amendment.²⁴

MR. BALDWIN hoped Mr. Smith would withdraw his amendment, and allow him to add the following to the clause, "provided that nothing herein mentioned shall affect the present incumbents." He thought that this would meet the views of both parties.²⁵

MR. MOFFATT would vote against both amendments, and support the clause as it stood.²⁶

MR. MEYERS would be happy to support any measure which would provide for Mr. M'Lean, but the evil required an immediate remedy, and he would

vote for the original clause.²⁷

DR. DUNLOP hoped some provision would be made for Mr. M'Lean; he had filled the highest office which the Commons of Upper Canada could confer, and it was not right to leave him destitute in his old age.²⁸

Mr. Smith's amendment was then put and lost.²⁹

Mr. Baldwin's provision shared the same fate.³⁰

MR. ROBLIN then moved, as a proviso to the fourth clause, that the third part of the emoluments received by the registries at present held by A. M'Lean, Esquire, be paid to that gentleman during his life.³¹

MR. MURNEY would have no objection to the principle involved in this motion; but it ought to be borne in mind, that³² persons must be employed immediately to revise the Register of Hastings, and fetch up the back work. This would be a serious expense, and some one ought to bear it; it was not fair to put it upon the new Registrar, and to deprive him of one-third of the emoluments of the office also.³³ If some proper allowance were made for that, he would have no objection to give Mr. M'Lean one third of the remaining emoluments.³⁴

MR. SMALL said the amendment was an interference with the prerogative of the Crown, in saddling gentlemen whom it might appoint to these situations with the payment of one-third of their fees to another.³⁵ The question of compensation ought to be left in the hands of the Government.³⁶

MR. BALDWIN would not vote for this proviso, unless a similar indulgence were granted in other cases. Here ... a man who has performed his duties in the most careless and improper manner, is to meet with ever consideration; while another who has conducted his office in the most exemplary manner, is to be sacrificed.³⁷ It was not right to make fish of one and flesh of another³⁸.

MR. DUGGAN supported the amendment.³⁹

MR. ((HENRY)) SMITH (Frontenac,) thought that the case alluded to by the hon. member for the fourth riding of York ought to be made the subject of a separate motion. If the hon. member would take that course, and would vote for the present motion, he (Mr. Smith) would give his vote in favour of a proper indulgence to the registrar of the county of Simcoe.⁴⁰

MR. ROBLIN said that the registrar of Simcoe would not be placed in the same position as Mr. M'Lean, because he would not be deprived of his living, but would only be obliged to remove from his present residence.⁴¹

MR. BALDWIN wished to add to the proviso now before the house, the following words: -- Provided always, that in case any registrar shall

resign his office in consequence of being obliged to remove his residence, his successor shall pay to him one-third of the amount of the emoluments derived from the office.⁴²

MR. BOULTON opposed the addition now proposed to be made to the proviso.⁴³

MR. WILLIAMS would consent to grant allowances only in case of age and infirmity.⁴⁴

MR. MOFFATT opposed the proviso. He thought that proper course would be to move an address to his Excellency, praying for a grant to Mr. M'Lean.⁴⁵

MR. BALDWIN(('s)) ... amendment ... was lost.⁴⁶

MR. ROBLIN's amendment was put and lost.⁴⁷

The clause, as it stood originally, was then carried.⁴⁸ OR The proviso, as originally proposed by Mr. Roblin, was added to the clause, which was then passed through the committee.⁴⁹

The Bill was then put, clause by clause, and a ... technical discussion arose, and was continued until ten o'clock.⁵⁰

Several of the remaining clauses were then passed, with some verbal amendments; one or two of them were, however, left to stand over for further consideration⁵¹.

(237)

and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Merritt reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again on Thursday next.

Mr. Prince moved, seconded by the Honourable Mr. Solicitor General Sherwood, that the said Order of the Day be discharged, and the said Bill be referred to a Select Committee, composed of Mr. Prince, the Honourable Mr. Solicitor General Sherwood, the Honourable Mr. Baldwin, Mr. Macdonald, of Kingston, Mr. Macdonald, of Cornwall, and Mr. Sherwood, of Brockville, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Mr. Johnston moved, in amendment, seconded by Mr. Dunlop,

That the Honourable Mr. Moffatt and Mr. Dickson, be added to the said Committee.

The question having been put on the motion of amendment, a division ensued, and it passed in the negative.

The question being then put on the main motion, it was unanimously agreed to, and

Ordered accordingly.

Marriages,
Gaspé.

The Order of the Day for the second reading of the Bill to provide for the legal proof and preservation thereof, of certain marriages formerly had before Justices of the Peace, in the late inferior district of Gaspé; births, baptisms, and burials therein, being read,

Ordered, That the said Bill be read a second time, on Monday next.

Elections in
Lower Canada.

The Order of the Day for the second reading of the Bill to repeal certain Acts therein mentioned, and to regulate elections in Lower Canada, of Members of the Legislative Assembly, being read,

The Honourable Mr. LaFontaine moved, seconded by Mr. Christie, that the said Bill be now read a second time.⁵²

The Attorney-General ((MR. JAMES SMITH)) hoped that Mr. Lafontaine would agree to the postponement of his bill for the present, as he thought it was one that the government should alone bring in. This was a very voluminous bill, and did not in his opinion strike at the evil, which he (the Attorney General) did not conceive could be remedied in the absence of a registration clause⁵³. It ... involved questions of principle which could not be discussed without great consideration.⁵⁴ There were objections to the principle of legislating for one portion of the Province only. It was the desire of the Government to see a measure introduced which would have the effect of settling the Election Law throughout the Province. It was the intention of Government, at the opening of the next Session, to introduce a general measure of this character. This period had been considered quite early enough, as there was no probability of a general election occurring for some time.⁵⁵

MR. LAFONTAINE replied, that if the Government would make this bill apply to Upper Canada by the introduction of three or four clauses, he would not have the slightest objection, but he would not coincide in the views of the Attorney General to have but one Election law for the whole province. There must always be some clauses of the Bill applicable to Lower Canada, and some to Upper Canada alone. It was therefore his duty to persist in the motion for the second reading of this bill, as it was

admitted on all sides that the present law is imperfect, and that under its influence the electors are deprived of their elective franchise.⁵⁶ The great principle of this Bill was to extend the time of polling from two to four, and thence to eight days if required, for, according to the existing law, the time was not sufficient to poll all the votes of large cities and counties, and the consequence had been that violence had ensued.⁵⁷ He did not pretend that the bill was perfect. He was anxious to refer it to a committee to so amend and alter it as to meet the evils which it was acknowledged upon ((all)) hands existed; and if hon. gentlemen on the Treasury Benches were determined to preserve the present law as it stood and would allow of no alteration to prevent the recurrence of such scenes as were lately witnessed, upon their hands be the awful responsibility, -- he would be free from it.⁵⁸ He did not think the argument used by the Attorney General, that the general election was now over, a sufficient one for him to withdraw this measure. They could not tell what might happen before next Session.⁵⁹

The Attorney-General ((MR. JAMES SMITH)) had heard taunts frequently during the Session -- "You should have taken up this bill or that bill." He was now anxious to take this measure upon himself, and the second reading was persisted in. And if the Government did not bring in this bill this session, he hoped that hon. gentlemen would admit that they had acted consistently with those principles which had guided their conduct throughout.⁶⁰

Ironical cheers and cries of "You have." "Quite true."⁶¹

He ((MR. JAMES SMITH)) reiterated what he had said, that the Government saw no necessity for such a law this year, as all the elections had taken place.⁶²

"There was one the other day."⁶³

Well, ((continued MR. JAMES SMITH)) would the mere circumstance of one election taking place be a sufficient reason for altering the law at this moment? Hon. gentlemen had heard that the reason for abolishing the old election law was to provide for the security of the voters. If that were the case, he would tell them that this bill would not effect that object; which was only to be attained by the registration of the votes, and that was carefully excluded from this bill. On that principle he would vote against the present bill; it was a principle that should never be lost sight of, as the only means of preventing the disorders that now take place at elections. It was no use extending the time of polling from two days to four, or four to eight. (Hear, hear.) That was not of the slightest use, so long as it was impossible to know whether the persons who came forward were really voters or not. Every law would be defective which did not provide for that: and he would therefore move ((an amendment))⁶⁴.

(237)

The Honourable Mr. Attorney General Smith moved, in amendment, seconded by the Honourable Mr. Daly, That the word "now" in the said motion be struck out, and the words "this day six months," substituted.

MR. WATTS was of opinion that a general election law for both sections of the Province was desirable: but he concurred with Mr. Lafontaine that it should not be put off till next session and, if it were possible, would like to see some of the clauses of the bill now in force amended, as it never will work well. The very fact of its being in the power of the returning officer to prevent the majority from sending the man of their choice to sit in this House, should of itself be a sufficient reason for some alteration being made. He referred to that power which is given to the Returning Officer of naming his own deputy; and if that deputy refused to perform his duty by holding a poll in any one township, the election would be declared null, although the person returned might have a majority of some hundreds of votes, without the House having the power of affecting punishment either on the Returning Officer or his deputy for dereliction of duty.⁶⁵ He would particularly allude to that defect in consequence of which Mr. Cameron was unseated. He was a member of ... the Committee which had tried the election of Mr. Cameron and⁶⁶ the evidence before the Committee ... showed in what manner a Returning Officer, of different politics to the favourite candidate, could render his election void by purposely neglecting to appoint deputies in one or more townships. Mr. Cameron had been unseated by this means, although he had foreseen it, and done all in his power to prevent it by offering to the Returning Officer to send up at his own expense, a magistrate to swear in the deputies in the omitted townships.⁶⁷ But the Returning Officer thought that it was not necessary and would not do so; he said that ... he had learned from the Crown land office that not more than some 160 votes could be in these places, and these, even if they were polled against Mr. Cameron could not affect his return; he, (the Returning Officer) who was opposed to Mr. Cameron in politics, had also written to the Committee that he was satisfied that these votes would have been given to Mr. Cameron; and this would appear to be the case from the fact that not a single complaint had come from these places of not having been able to vote against Mr. Cameron.⁶⁸ Yet, although he had a majority of upwards of 400 votes, and it was proved that no more than 198 patents had been issued in the other townships, and the greater number of the holders of these were in his favour, he had been unseated! There was nothing to prevent the same thing occurring again, either by the Returning Officer neglecting to appoint deputies, or some deputy refusing to act, on purpose to prevent that gentleman taking his seat. He hoped that some amendment to obviate this defect in the law would be made this Session, and the Returning Officer and Deputies be compelled, under heavy penalties, to do the duties of their offices. He trusted that the Attorney General would introduce a short bill for this purpose.⁶⁹

MR. MOFFATT would be glad to see any amendment introduced into the

election law which would prevent violence, but he felt persuaded that the one before the House was not calculated to effect that purpose. There were also objections to the details of the Bill, it gave the right of voting to co-heirs and did not give the same privilege to co-partners. Thus, twenty co-heirs holding a property worth £100 to £150, would be entitled to vote, while a firm of ten individuals holding business premises, as some did in this city, of the value of £20,000 would be denied it. It was unjust that the representative of £5 should be entitled to a privilege which the representative of £2000 (sic) was debarred from exercising. Mr. Lafontaine had introduced the same principle before, and he (Mr. M.) had then opposed it. He trusted that the Bill which would be adopted by that House would be one of a more liberal character, and co-heirs and co-partners would be placed upon the same footing. The representation of the commercial interests, which came from cities and towns alone, had been too much limited, and it was of great consequence to the country that they should endeavour to extend the franchise among commercial men, rather than seek to limit it. He was also opposed to the introduction of two measures, one for one section of the Province and the other for another. He would have no objection to see any necessary amendment made to the present law, but he would vote against the Bill now sought to be introduced.⁷⁰

MR. AYLWIN was very much surprised to hear the objections raised by Her Majesty's Attorney General to this measure. Instead of opposing it because it did not go far enough, he ought to endeavour to extend its provisions, so as to make it meet all the difficulties which it is desirable to remove. It was the first time that he (Mr. Aylwin) had heard a bill rejected because it did not go far enough. Then the hon. Attorney General talks about introducing a bill next session; and wishes us to wait for it till that time. Does he imagine that the present Ministry will be here next session? Does he fancy for a second that himself and his colleagues will have a seat in this House when it next assembles again, and that they will be allowed an opportunity of introducing this bill then?⁷¹ (Ironical cries of "hear, hear" and laughter.)⁷² The hon. gentleman must certainly be in error; he cannot suppose for a moment, that he will be here next session; and no one is better aware of that fact than the hon. member for Montreal.⁷³

MR. MOFFATT begged to say that he had perfect confidence that the present Ministers could be found upon those benches next Session. (Cheers.)⁷⁴

Mr. Aylwin -- Well, then, the hon. member for Montreal would allow him to make another observation. He thought when a measure was brought forward which relates to the law of elections, it would be quite as well if that gentleman did not take a very active part in its discussion. (Cheers, and cries of "Oh, oh!") He repeated it -- on questions relative to elections, it would be far better if the hon. gentleman would refrain from taking a very large share in their discussions.⁷⁵

Why? Why?⁷⁶

He ((MR. AYLWIN)) would tell the hon. gentleman why. Because a majority of two threw out the petition of Peter Dunn and nine others. (Laughter.) Oh! it was no doubt a subject of great hilarity on the other side of the House: of course the mention of that petition had a great effect in producing mirth upon those benches: but perhaps on another occasion the feelings of those who laughed now would be different. However, to return to the bill now introduced, he would wish that the hon. Attorney General would extend its provisions, if they did not go far enough: if he would do so he (Mr. Aylwin) would assist him: if not, he must vote for the original motion.⁷⁷

MR. LAFONTAINE addressed a few words to the House in French. ... We understood him to explain the grounds on which he gave votes to co-proprietors which he denied to co-partners: he also took occasion to point out the evils of the existing law under which, he said, oaths had been taken in the most blasphemous manner for mere electioneering purposes.⁷⁸

MR. COLVILLE said he should, as he had often done before, support the motion of the Attorney General (Cheers.) His reason was, because he thought that if the object of this Bill was to secure the peace at elections, it went the wrong way to work. An increase of the number of polling days would be only to increase the chances of collision and violence. An increase in the number of polling places would have a much better effect. For this and other reasons he should vote against the Bill.⁷⁹

MR. BALDWIN had hoped that when the hon. Attorney General called for postponement, he would at least go a little further, and would promise to make the alteration called for by the election law. He was surprised, too, that the hon. member for Drummond should have sat down without referring to the state of things at the Montreal Election, but nothing would show more forcibly than the occurrences at that election the necessity for an alteration in the law.⁸⁰ It was admitted on all hands that as the law now stood, it was impossible in the city of Montreal to poll all the electors in two days: as this fact was admitted, he was surprised that before the Attorney-General got up and sought to postpone this Bill, he did not propose to offer some remedy this Session for this great and crying evil. He did hope that hon. gentlemen opposite, who supported Ministers so uniformly and so well, would on this occasion exercise a certain amount of independence, if they possessed any, -- (Ironical cheers) -- and make Ministers understand that though they support them when they considered they were acting right, yet they would not uphold them now. (Ironical cheers.) I understand those cheers, I understand the determination to stand by ministers, no matter what they do, or leave undone, and though my appeal to their better reason may be of no avail, yet in the cause of justice it is proper that I should make it. If the hon. Attorney-General sincerely desired to improve the Election Law - if he desired

to occupy that position which he aspired to - whether he would attain it was another matter - he must determine on amending it this Session.⁸¹ And if he (Mr. Baldwin) were to select one gentleman from the other side of the House,⁸² to urge upon the present leader on the Treasury Benches, -- he believed there was to be another in a day or two -- if he were to select one gentleman whose duty it was to urge, not only strenuously urge, but insist upon this crying evil being remedied, it was the member for Montreal. What position did that hon. gentleman occupy? (Cheers, and cries of "Order.")⁸³ I will not now, because I cannot, speak of the petition of Peter Dunn and nine others; the House had decided upon that petition, and I am therefore bound to assume that the Hon. member holds his seat lawfully in this House⁸⁴; but the hon. member he was quite sure, would not pretend to deny that a great mass of the people of this city were of quite a contrary opinion. It would well become that gentleman-- and he yet hoped he should not be disappointed - it would well become that gentleman to fulfil the expectations that were entertained of him, and to press upon the Ministry the propriety of providing a remedy for those crying evils. It had, however, been said that the elections were now over, and that therefore no necessity existed for taking this matter up immediately; but human life is uncertain, and who can say that an election may not come before its dangers are provided against? Were the Ministers prepared to take upon themselves the responsibility of scenes like those which had occurred at the last general election, or even during the last municipal election? Were they and their supporters⁸⁵ prepared to take the responsibility of the scenes of violence and bloodshed which might take place, through their refusing to aid in this measure; he would ask them if they were prepared to take the responsibility of such scenes of violence and bloodshed as had occurred in the knowledge and hearing of all in that House during the Municipal Election for Montreal.⁸⁶

MR. INSPECTOR GENERAL ROBINSON: "Yes."⁸⁷

((MR. BALDWIN continued:)) Whoever that gentleman was who cried out yes, he did not envy him his forwardness, he did believe that the large majority of the gentlemen opposite would be very far from responding to that feeling - he did not believe that they would willingly be responsible for scenes which would deluge their city with blood, and would fill the streets with troops; but yet, if they did not come out on that occasion, if they did not press on their leader the consequences of delay, they would, at all events, risk the recurrence of these frightful scenes. He called upon those gentlemen singly and individually, to come out and to take upon them all the consequences of this deep and dammier (sic) responsibility. If they were not prepared to take that step, let them go at once to the minister, and let them tell him that he must not leave this city exposed to danger, and that, if he does, they will withdraw from him that support which they have so well and so uniformly given him.⁸⁸ I appeal to your good sense as men - I appeal to your christian principle,

and for the sake of your own honour - I appeal to you by all that is dear to you, - in sincerity of heart, I appeal to you not to allow these great evils to exist without an attempt to remedy them.⁸⁹

DR. DUNLOP said -- The Hon. gentleman who had just sat down, had told him something of which he had not been previously aware: he had said that he was an independent Member, and that the gentlemen on this side were not. He would tell that Hon. gentleman that there was no Member in that House more independent than himself (Dr. D.); and appealed to Hon. gentlemen, not on his own, but on the other side of the House, to say, if they had ever known him do any thing to disgrace the character of an independent Member? (Cheers.) No, they had never done so. It was, then, rather too much for that gentleman to assert the perfect purity of himself and friends, when it could be so easily proved that they were the very patrons and fathers of corruption in the land. What could he lay to the charge of Members on this side that he should accuse them of having sold themselves?⁹⁰

MR. BALDWIN had not accused any one of corruption, and could not conceive how such a charge could have been thought of.⁹¹ Oh! Oh!⁹²

DR. DUNLOP continued -- They had been told about the Municipal Elections, and the bloodshed and violence there was there. And why was there such? He would tell them why: because there was no law in Montreal. (Cheers.) Many things had been elicited by the Municipal Elections which threw great light upon the matter. They were told that one night a man dropped a pistol in the gallery of that House, and that another carried pistols in his belt. And they were also told that about the same time a man with a musket and bayonet came into the room where the Coroner and Mayor were holding an inquest, and compelled the Coroner to exclude three Jurymen, and substitute others in their place. And this the Coroner, with a degree of commendable forbearance, allowed. When such things as this were allowed and suffered, there was an end to all law and justice, and the sooner military law was established the better; for this reason, -- some justice might be got from the one, but none at all from the other. It appeared that the people of Montreal went about armed. You and I, Mr. Speaker, who have served her Majesty in the field never wore a secret weapon in our lives; and why is it that the people of Montreal must go armed? Tacitus gave as an instance of the barbarousness of the Germans that they all went armed about their daily business.⁹³

A cry from MR. AYLWIN of we are too near Texas and Forty-five.⁹⁴

DR. DUNLOP did not care a pin for being interrupted by the Member for Quebec.⁹⁵ The riots in Montreal, the arming, and all that had occurred, were owing to there being no law and no magistrates. People drove through the streets at a trot, a canter or gallop, as they pleased; it was only a day or two ago that the Speaker nearly got a sleigh-shaft through him. Until there was law here to control the rabble, it would be the same as

before. There were told that men were brought in from the Canal to the elections, unfortunate men from the South of Ireland, men brought up in a country where there was little respect for the law, and who came through the United States, where there was none; and was it any great wonder that there were broken heads. There was one of Her Majesty's Ministers who came from that part of the country, and he would tell them that a Galway election was not valid unless there was a score of heads broken. (Laughter.) The riots which had occurred in Montreal could only be put down by giving it (sic) sufficient powers to enforce the law: until that time, the same scenes would ensue over and over again, and it was no use of that House talking about the matter, when it could only be remedied by action elsewhere.⁹⁶

MR. JOHNSTON said that allusion had been made to some of his countrymen, who were very good people, but unfortunately led astray by demagogus (sic) who made use of them for political purposes, it was their leaders who were to blame, not themselves. A great deal of stress had been put by Hon. Gentlemen opposite upon the probability of another election for Montreal occurring soon; he hoped there were no assassins in that House - (laughter) -- the Hon. Member for Montreal seemed to be in good health, and likely to outlive both him and the Hon. Gentleman opposite, unless there was going to be some gunpowder plot. He advocated the adoption of a single measure for regulating the elections in both portions of the Province, and such should be the case if it was intended that the Union Bill should work. A great deal had been said about troops, and it would seem that some persons' memories were very deceptive about such matters. He would remind the Hon. Member for the Fourth Riding of York of the time when he contested the County of Hastings with Mr. Murney - who was dismissed from his situation, as Clerk of the Peace, for daring to oppose the Attorney General of Upper Canada - he would remind that Hon. Gentleman that he called out two companies of troops at that time, to carry his election, for he had command of troops at that time. So that, when he had made use of the bayonet himself, he should allow others to use it also. As for the troops at the election for Montreal, he was convinced that had it not been for their presence there would have been a thousand lives lost.⁹⁷

MR. MOFFATT responded to the appeal which had been made to him, and he would be happy to support any measure which could be introduced to prevent the scenes of violence which had occurred in that city; but rejected any insinuation that what had occurred had been owing to any part taken by him or his supporters. He would tell the Hon. Member for the Fourth Riding of York, that his position was as high before his constituents as the position of that gentleman before his. He would not shrink from any enquiry; and if another occasion should come when it should be necessary for him to defend his character, he would be prepared to do so. (Cheers!)⁹⁸

MR. ((G.)) MACDONELL (Dundas) would vote against the present Bill,

but those members who belong to neither party in that House, of which he was one, would expect that Ministers would take immediate steps to remedy the evils which it was acknowledged existed in the present election law.⁹⁹

Cheers from the Opposition.¹⁰⁰

MR. MURNEY regretted that any allusion should have been made to any particular election, which could only tend to excite ill-feeling. He might narrate the history of the election which he had contested against the late Attorney-General of Upper Canada, but such a course could have no earthly benefit, it could neither defeat the present Bill, nor aid the proposed amendment, and therefore the discussion was best avoided. He regretted the observations which had been made by the Member for Carleton.¹⁰¹ ((He)) thought the election law, introduced by Mr. Baldwin was an excellent law; he had stood two elections under it, and had found it ((to)) work admirably; no elections could have been more peaceable or quiet, neighbours had come to the poll in the same waggon, voted for different candidates, and gone home together, with no other party feeling than the hope which each had that the candidate he supported would be the successful one. (Cheers.) All that was required to make that Bill perfect was to attach the registration of votes to it, to ascertain the qualification of every man before he came to the poll, and to put down perjury. The Bill introduced by the member for Terrebonne was calculated to increase the very evil it was intended to obviate. The intention was to put down excitement, but excitement would be increased by the extension of the time from two days to eight. Give the country the registration clauses and put down perjury, and instead of eight days being necessary to poll the votes, one would be amply sufficient: and if there was any difficulty make more polling places. If ten, twelve, or sixteen wards were required in Montreal for polling, let it have them, but the polling ought to be concluded in one day; every man there would have enough to do to attend in his own poll without going to others to increase excitement. Where one or two days might go over quietly, the excitement of the time to the third or fourth, might lead to disturbances which would not be easily quelled. He was in favour of a general measure for both Provinces, with provisions for registration, and polling being concluded in one day.¹⁰² He was for postponing the consideration of the question that the Government might bring in a bill to make the ~~trifling~~ amendments needed in the present law.¹⁰³

MR. ROBINSON was not anxious to see violence or bloodshed, but he was quite willing to assume any responsibility which might arise from the rejection of this measure. Allusions had been made to the troops and the cannon which had been called out in the election for Montreal, but this was not done to put in any particular Member, but to prevent the polls being taken possession of by bodies of men as well armed as the troops themselves. Without this step no election could have been held.¹⁰⁴ He also thought that the late disturbances in Montreal

arose from strangers having interfered¹⁰⁵. He was in favour of a general measure of registration.¹⁰⁶

MR. DRUMMOND agreed with the honorable member for Hastings that election disturbances should as much as possible be excluded from discussion in that House. He would be the last to desire the resuscitation of bad feeling, but as the question of the late election in this city was introduced it became him to say a few words. Before, however, entering into that question he would also express his hearty concurrence in the praise awarded by the hon. member for Hastings to the hon. member for the Fourth Riding of York (Mr. Baldwin) for his excellent election law. By that law a boon had been conferred upon the country. For, previous to its date it was not our city elections alone that were at the mercy of mobs and strangers; -- in the heart of the country, amidst the mild and peaceable peasantry of Lower Canada, at Chambly, Terrebonne, St. Laurent, Coteau du Lac and Rouville, elections were carried by the bludgeon, the pistol, and the bowie-knife. The law framed by the Hon. member for the Fourth Riding of York had remedied this evil, -- had chased the hired ruffian from the door of the innocent habitant, and for this blessing was that most Hon. Gentleman entitled to the lasting gratitude of the people of Lower Canada. But admirable as was the present Election law in its general bearings, it was, still somewhat defective, particularly with regard to the time allowed for polling. He had at the very first election which occurred under the law witnessed its deficiency in this particular; he alluded to an election which occurred at Beauharnois, at which himself and one of the hon. members for Montreal, Mr. DeBleury, acted in their legal capacities. Upon that occasion the poll at which the hon. member, Mr. DeBleury, acted was kept open till 12 o'clock at night because the two days were found not sufficient to enregister all the votes. (Hear, hear.) -- And now, Mr. Speaker," continued the Honourable Member, "I will refer to the Montreal election, and what I must first notice is the fact, that when it was proposed to continue the polling in the most populous ward of the city till twelve o'clock, as the law plainly allowed, I, myself, sir, and a numerous body of citizens who supported me, were driven from the booth at five o'clock in the evening, at the point of the bayonet. This was a part of the use made of the troops which the hon. Inspector General did not allude to. That hon. gentleman would have done better had he informed himself more fully on the subject before he hazarded his flippant and shallow assertions." The Inspector General had alluded to strangers having been in the city armed as formidably as the troops. He (Mr. Drummond) understood the insinuation; but he despised it. He denied before that House, before the Universe, before his God¹⁰⁷ - Cheers.¹⁰⁸ ((He denied)) that he had sought to be elected by violence; he would scorn to be carried into Parliament by such means; he would be ashamed to sit in that House as the representative of a minority. It was not by a minority that he had been urged to come forward; his supporters formed the great majority of his fellow-citizens; and that his opponents well knew, for throughout the second day of polling they administered the five oaths to their own

voters in order to keep back his,¹⁰⁹ to wear out the time, and to prevent their votes being exhausted.¹¹⁰ He would repeat that he did not send for strangers. There was a statement on that table, which had been transmitted to this House by the Head of the Government, to the effect that 200 men came from Quebec to assist Mr. Drummond. This was basely false. Sailors did come from Quebec, but not to his service; they were brought at the instance, and for the advantage, of others; they arrived in port in a steamer, and cannon were placed on the wharves opposite the steamer for the avowed purpose of preventing their landing -- but strange to say the sailors quietly landed in boats in the face of the cannon, in the face of the troops, and in the face of the impartial magistrates to whom was entrusted the peace of the city; and stranger still these sailors were publicly marched to the rendezvous of his opponents, and at the close of the election¹¹¹, armed to the teeth¹¹², joined in the procession which was got up to celebrate a triumph which he did not envy.¹¹³ He repeated that there might have been strangers in the city who were interested in his election, but he denied that there was a weapon found in the hands of his supporters. At the poll which he himself attended, nothing could have gone on more peaceably, until they were driven out at the point of the bayonet for attempting to do as had been done at St. Martin. We acknowledged that there was an alteration required in the law, that the hour of closing should be fixed, for he knew that polling by night led to scenes of disturbance. He would like to see a general measure for the whole Province. He would vote for any Bill which would remedy the existing abuses, and he would vote for that now before the House, as he believed it would have that effect. Perhaps the Hon. Attorney General and other Members were interested in not giving sufficient time for the polling of votes; he had heard that in the township of Stainford (sic) in the county of Mississquoi, the time was insufficient to record all the votes. It was unnecessary either to prolong the time of elections, or to increase the number of polling places. In either case, the sooner the remedy was provided the better.¹¹⁴

COL. PRINCE would support the Bill, he thought it was not courteous to dismiss it in the summary way proposed. It should be allowed to go to a Select Committee, where all the necessary alterations might be made.¹¹⁵

MR. ((GEORGE)) MACDONELL, of Dundas, spoke in favour of the Bill. The ... gentleman said that he would not, however, vote for it, because of the promise given by the Ministry that they would bring in a suitable measure, and he hoped that they would, in framing their law, benefit by the many wise provisions of the present bill. He would especially urge an extension of the time of polling as the best means to prevent rioting. He trusted that the Ministers would not overlook the necessity of timely legislation upon the subject before the House; and he wished them distinctly to understand that there were members in the House who would support them no longer than their attention to the wants of the country would justify.¹¹⁶

MR. ARMSTRONG, rose to make two or three observations only, he was a member of the first Parliament and he would beg of those who were in the House in 1841 to correct him if he did not state facts. From what had fallen from the Attorney General it was clear that the great objection he had against the present bill was because it did not provide for Registration and he (the Attorney General) added that he never would consent to any measure of this kind if the principles of enregistration did not make part of it. He (Mr. Armstrong) confessed that he was very much surprised to hear such an annunciation (sic) from that quarter, for he well remembered the very eloquent and energetic appeals ((of)) the Hon. Mr. Viger, now the President of the Executive Council of which the Attorney General forms part, against the enregistration principle to be applied to Lower Canada.¹¹⁷

Cries of "Antagonism."¹¹⁸

Yes, ((continued MR. ARMSTRONG)) the now president of the Executive Council of Canada, Mr. D. B. Viger, did all in his power in 1841 when the measure was first mooted to exclude enregistration from the Election law as applicable to Lower Canada, and in 1842 he and the Hon. member for Ottawa another Executive Councillor voted for the law as it now stands, and yet we see one of their colleague (sic) the Attorney General for Canada East insisting that the great defect in the present bill was because its principle did not embrace enregistration. The Hon. member for Montreal Mr. Moffatt was, as he generally is consistent in his votes, he had voted ... and spoke warmly, to have enregistration for Lower Canada. As for his (Mr. Armstrong's) part he had voted then against enregistration as applicable to Lower Canada, and would do so again because he was convinced that the principle however suitable for Upper Canada will not work well in Lower Canada and especially in the rural Districts. But what must now be the feelings of the hon. member from Terrebonne, who brought in this measure? Did he expect this return for the liberality manifested the other evening? He (Mr. Armstrong) doubted the policy of voting against our friends from Upper Canada, merely because a majority of the members of that section were in favour of one particular measure and therefore, did not vote at all. Here was a measure which had reference alone to Lower Canada and yet what a display of liberality is made by the Upper Canadians. Yes Sir when they know and can very plainly see the whole of the Lower Canada members were in favour of it, and at any rate against the principles of enregistration for Lower Canada. This would perhaps induce his hon. friend for the future to pause before casting his liberality on those who would not return the compliment.¹¹⁹

SOLICITOR GENERAL ((MR. HENRY)) SHERWOOD would vote against the Bill, and would take occasion to say a few words in reference to registration which it was his desire to establish, and which was not contained in this bill.¹²⁰ The Registration Bill which he had prepared he had amended to apply to Upper Canada, and the cities and townships of Lower Canada. He had since altered it. But when referred to a Committee it might be made

applicable to the whole Province. With regard to what had been said relative to the Election Law, the great evil was not in it, but in the violence of party feeling. The short time allowed for polling, without the assistance of the register, led to distraction, and thence to force and disastrous consequences.¹²¹ He would ask hon. gentlemen to look at the principle of the Reform Bill, which, as any person could see who had read any treatise on the subject, was based on the registration of the votes, and that the time the poll was to be kept open, and the officers appointed, were all subsidiary to this grand principle. Now, he did not wish to diminish the credit Mr. Baldwin had received for introducing this Bill into Canada, but he would take notice that it was copied from the English Statute Book, with the exception of this clause, the effect of which is that in the immense city of London, with its millions of inhabitants, the polling is all done in one day. And the more it was worked the more it was liked, and he would therefore urge on the Lower Canada members to allow a Bill to be introduced having a general effect throughout the Province. There seemed to be an objection in the House to anything having a uniform effect. At present there are only two laws general in their nature -- the election and the bankrupt laws. This bill, if passed, would do away with one of them, and no doubt it ((would)) soon be followed by a repeal of the other, and then hon. gentlemen would have to legislate separately for either end of the Province. His advice was not to diminish the number of their general measures, but, on the other hand, increase them, and pass such bills as will act equally and justly in both part (sic) of the Province. The Attorney General had given a pledge that the Government would bring in a general election law next session, and he hoped no one would refuse them the opportunity of doing so.¹²²

MR. ((WILLIAM)) H. MERRITT would vote for the second reading of the Bill, it being admitted on all hands that a necessity existed for a change in the law. He was also in favour of registration but thought that could be considered in committee.¹²³ He acknowledged himself an advocate for a cheap and effective system of registration.¹²⁴

MR. GOWAN was very sorry to hear the hon. member for Berthier express a doubt as to the willingness of members from Upper Canada to do justice to the Inhabitants of this section of the Province. He (Mr. Gowan) would remind him of the time to which the hon. member for Portneuf alluded, when elections were carried in Lower Canada (sic) by the aid of pistols, and bludgeons, and bowie knives; and he would ask, who were the most ready to come forward to restore their rights to the people of Lower Canada?¹²⁵ When Mr. Baldwin had been anxious to remedy the evils of the old Election Law, none had been more strenuous in their endeavours to support him than the Hon. Speaker of that House, who then led the party he now stigmatised as desirous of depriving the people of those rights they now struggled with him to maintain. Mr. Baldwin had gone into a great rage upon this occasion, whether affected or not he could not say. The tears might have been genuine, the appeal might have come from his heart, or it might have

been made up for the occasion -- mere stage effects.¹²⁶ At all events great warmth was exhibited, when he asked the ministers if they would take upon themselves the deep and damning responsibility of refusing to correct what he denominated, so crying an evil. When that language was made use of, it became worth while to enquire what this great and crying evil really is? Is it not the very law of which the hon. gentleman himself is the father?¹²⁷ Was it not the work of his own hands, was it not his own child?¹²⁸

MR. DRUMMOND -- What of that?¹²⁹

MR. GOWAN -- What of that? Why, when he tries to father on this side of the House the evil of any measure, he should recollect that it was he himself who was alone responsible.¹³⁰ When the hon. member for the Fourth Riding of York asks us if we are prepared to take upon us the responsibility of refusing to amend the election law, I tell him, that if any evil have resulted from that law, upon his head the responsibility of it rests. He (Mr. Gowan) would tell him why he said so, it was because he was present below the bar, at the discussion of that bill, and notwithstanding the urgent appeals to registration clauses of a learned and eloquent gentleman¹³¹, the Hon. W. Draper¹³², who was then in the House, and who he understood was shortly to take his seat among them again, - the honourable member for the Fourth Riding carried through his bill without the clause, and on his head, therefore, must rest all the violence, which has resulted.¹³³ He (Mr. Gowan) was opposed to the present Bill, as a greater evil than the last.¹³⁴ The hon. gentleman had alluded to the presence of the troops, and the cannon at the Montreal Election: he hoped the learned member for Portneuf would not suppose any personal allusion when he said, that the troops were not brought for the purpose of causing violence or bloodshed, but to preserve the peace. He had been surprised to hear the arguments of the hon. member for Dundas in favour of the present bill, the hon. member talked of a remedy against violence, and that remedy an eight days poll. He (Mr. Gowan,) believed that nothing was so likely to produce bloodshed as the keeping together of bands of men: and therefore if the continuance of these meetings be increased from two days, to eight, you increase the evil in the same proportion.¹³⁵ Every evil of the existing law would be remedied by the registration clauses.¹³⁶ If, then, gentlemen on the opposite side really desire to remedy the existing evils as he, (Mr. Gowan) had no doubt they did, let all join to work out a scheme for the registration of voters; and the non-voters who may come forward and attempt to take part in elections will be sent to that place where they ought to be sent, the common jail.¹³⁷ The charge which had been made against that side of the House, that Members had sold themselves to the Government, was an unjust one. There was as much independence on that side as upon the other, and as much freedom of thought and action.¹³⁸

MR. ROBLIN said, it was easy to lay the blood which had been shed upon the head of particular persons; but he could not understand how these

remarks could be applied to the hon. member for the Forth (sic) Riding of York, when it was admitted on all hands that the present law was a great improvement on the last. He was favourable to a general election law for this Province, and thought that the present Bill might be amended to that effect in committee. He would vote for the Bill because grave evils were to be removed. He hoped hon. gentlemen on his side of the House would now see what they gained by joining to defeat his (Mr. Roblin's) measure a few evenings since. That measure would have assimilated the law in the two sections of the Province, but certain gentlemen from Upper Canada would not then assent to that principle. Now, however, the members from Lower Canada would find that a different doctrine was entertained, and would be acted upon. He hoped the lesson would have its effect.¹³⁹

(237)

The question having been put on the motion of amendment, a division ensued, and the names being called for, they were taken down, as followeth:--

YEAS.

Boulton, Brooks, Chalmers, Colville, Cummings, Daly, DeBleury, Dickson, Duggan, Dunlop, Ermatinger, Foster, Gawn, Gracie, Hale, Hall, Jessup, Johnston, Macdonald of CROMBIE, Macdonald of KINGSTON, Macdonell of

(238)

DUNDAS, M^cConnell, Meyers, Moffatt, Murney, Papineau, Petrie, Robinson, Seymour, Sherwood of BROCKVILLE, Solicitor General Sherwood, Smith of FRONTENAC, Attorney General Smith, Stewart of BYTOWN, Stewart of PRESCOTT, Webster and Williams.--(37.)

NAYS.

Armstrong, Aylwin, Balguy, Bartholomew, Bertrand, Cauchon, Chauveau, Christie, DeWitt, Drummond, Egan, Evans, LaFontaine, Lantier, Laterrière, Macdonell of STORMONT, Merritt, Méthot, Morin, Powell, Price, Prince, Roblin, Rousseau, Scott, Small, Smith of WENTWORTH, Taché, Taschereau and Thompson.--(30.)

So it was carried in the affirmative.

The question being then put on the main motion, as amended, the House divided thereon, and the names being called for, they were taken down, as in the last preceding division.

So it was also carried in the affirmative, and

Ordered, That the said Bill be read a second time, this day six months.

Fees of Sheriffs. *Ordered, That the Bill to regulate the fees of Sheriffs and other officers in that part of this Province called Upper Canada, be now read a second time.*

The said Bill was accordingly read, and referred to a Select Committee, composed of Mr. Sherwood of Brockville, Mr. Prince, Mr. Hall, Mr. Roblin, and the Honourable Mr. Small, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Christian Unitarians. *Ordered, That the Bill to afford relief to a certain religious congregation at Montreal, denominated "Christian Unitarians," be now read a second time.*

The said Bill was accordingly read, and referred to the Standing Committee on Private Bills.

Montreal College of Medicine. *Ordered, That the Bill to incorporate the Montreal College of Medicine and Surgery, be now read a second time.*

The said Bill was accordingly read, and referred to a Select Committee, composed of Mr. Scott, Mr. Taché, Mr. Dunlop, Mr. Jessup, and the Honourable Mr. Morin, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered, That the remaining orders of the day be postponed until to-morrow, and that they be then the first Orders of the Day.

Then the House adjourned. 140

FOOTNOTES - 6 FEBRUARY 1845.

1. The debate on this matter was reported by: MONTREAL GAZETTE, 8 February 1845; LE JOURNAL DE QUEBEC, 10 February 1845; EXAMINER, 19 February 1845; BRITISH COLONIST, 18 February 1845, BRITISH WHIG, 11 February 1845, copied from MONTREAL TIMES, and the PILOT, 7 February 1845, in accounts which are identical except that in the PILOT, some speeches have been omitted entirely.
2. MONTREAL GAZETTE, 8 February 1845.
3. BRITISH COLONIST, 18 February 1845.
4. MONTREAL GAZETTE, 8 February 1845.
5. BRITISH COLONIST, 18 February 1845.
6. The debate on this matter was reported by: BRITISH COLONIST, 18 February 1845, BRITISH WHIG, 11 February 1845, copied from MONTREAL TIMES, EXAMINER, 19 February 1845, and the PILOT, 7 February 1845, in accounts which are identical except that in the PILOT, some speeches have been omitted entirely; MONTREAL GAZETTE, 8 February 1845, and the GLOBE, 18 February 1845, in identical accounts.
7. MONTREAL GAZETTE, 8 February 1845.
8. BRITISH COLONIST, 18 February 1845.
9. MONTREAL GAZETTE, 8 February 1845.
10. IBID.
11. BRITISH COLONIST, 18 February 1845.
12. IBID.
13. MONTREAL GAZETTE, 8 February 1845.
14. IBID.
15. BRITISH COLONIST, 18 February 1845.
16. MONTREAL GAZETTE, 8 February 1845.
17. BRITISH COLONIST, 18 February 1845.
18. MONTREAL GAZETTE, 8 February 1845.
19. BRITISH COLONIST, 18 February 1845.
20. MONTREAL GAZETTE, 8 February 1845.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. BRITISH COLONIST, 18 February 1845.
32. IBID.
33. MONTREAL GAZETTE, 8 February 1845.
34. BRITISH COLONIST, 18 February 1845.
35. MONTREAL GAZETTE, 8 February 1845.
36. BRITISH COLONIST, 18 February 1845.
37. IBID.

38. MONTREAL GAZETTE, 8 February 1845.
39. IBID.
40. BRITISH COLONIST, 18 February 1845.
41. IBID.
42. IBID.
43. IBID.
44. IBID.
45. IBID.
46. MONTREAL GAZETTE, 8 February 1845.
47. IBID.
48. IBID.
49. BRITISH COLONIST, 18 February 1845.
50. MONTREAL GAZETTE, 8 February 1845.
51. BRITISH COLONIST, 18 February 1845.
52. The debate on this matter was reported by: MONTREAL GAZETTE, 8 February 1845, BRITISH WHIG, 14 February 1845, copied from MONTREAL COURIER, and the GLOBE, 18 February 1845, in accounts which are identical except that in the GLOBE some speeches have been omitted entirely; LE JOURNAL DE QUEBEC, 13 February 1845; PILOT, 7, 10 February 1845; MONTREAL TRANSCRIPT, 8 February 1845, and KINGSTON NEWS, 13 February 1845, in identical accounts, except that the NEWS gave an edited version of some speeches; and the EXAMINER, 19 February 1845. The PILOT, 10 February 1845, also contained a commentary. The MONTREAL GAZETTE is almost illegible in parts, and so wherever necessary and possible, the GLOBE is used instead when selections are chosen from their identical accounts.
53. EXAMINER, 19 February 1845.
54. MONTREAL TRANSCRIPT, 8 February 1845.
55. MONTREAL GAZETTE, 8 February 1845.
56. EXAMINER, 19 February 1845.
57. MONTREAL GAZETTE, 8 February 1845.
58. PILOT, 7 February 1845.
59. MONTREAL GAZETTE, 8 February 1845.
60. EXAMINER, 19 February 1845.
61. IBID.
62. IBID.
63. IBID.
64. EXAMINER, 19 February 1845, which reported that Sherwood seconded the motion, whereas the JOURNALS gave Daly as the seconder.
65. EXAMINER, 19 February 1845.
66. PILOT, 7 February 1845.
67. MONTREAL GAZETTE, 8 February 1845.
68. PILOT, 7 February 1845.
69. MONTREAL GAZETTE, 8 February 1845.
70. IBID.
71. EXAMINER, 19 February 1845.
72. MONTREAL TRANSCRIPT, 8 February 1845.
73. EXAMINER, 19 February 1845.
74. MONTREAL GAZETTE, 8 February 1845.
75. EXAMINER, 19 February 1845.

76. IBID.
77. IBID.
78. IBID.
79. MONTREAL GAZETTE, 8 February 1845.
80. EXAMINER, 19 February 1845.
81. GLOBE, 18 February 1845.
82. According to the PILOT, 7 February 1845, at this point in his speech "the Hon. member ((Mr. Baldwin said)) with marked solemnity, looking directly at MR. MOFFATT, 'if I were to elect from this House one who in my opinion would be the most likely, to urge, ay to insist upon, an immediate change in the law in reference to the want of sufficient time for polling, it would be the hon. member for Montreal.'"
83. GLOBE, 18 February 1845.
84. PILOT, 7 February 1845.
85. EXAMINER, 19 February 1845.
86. GLOBE, 19 February 1845.
87. MONTREAL TRANSCRIPT, 8 February 1845.
88. EXAMINER, 19 February 1845. The MONTREAL TRANSCRIPT, 8 February 1845, reported that "the hon. gentleman delivered these remarks with an unusual degree of animation, and evidently under strong feelings."
89. GLOBE, 18 February 1845.
90. MONTREAL GAZETTE, 8 February 1845.
91. EXAMINER, 19 February 1845.
92. MONTREAL GAZETTE, 8 February 1845.
93. IBID.
94. EXAMINER, 19 February 1845.
95. MONTREAL GAZETTE, 8 February 1845.
96. GLOBE, 18 February 1845.
97. MONTREAL GAZETTE, 8 February 1845.
98. IBID.
99. GLOBE, 18 February 1845.
100. IBID.
101. MONTREAL GAZETTE, 8 February 1845.
102. GLOBE, 18 February 1845.
103. PILOT, 10 February 1845.
104. BRITISH WHIG, 14 February 1845.
105. PILOT, 10 February 1845.
106. BRITISH WHIG, 14 February 1845.
107. PILOT, 10 February 1845.
108. GLOBE, 18 February 1845.
109. PILOT, 10 February 1845.
110. MONTREAL GAZETTE, 8 February 1845.
111. PILOT, 10 February 1845.
112. MONTREAL GAZETTE, 8 February 1845.
113. PILOT, 10 February 1845.
114. MONTREAL GAZETTE, 8 February 1845.
115. IBID.
116. PILOT, 10 February 1845.

117. IBID.
118. MONTREAL GAZETTE, 8 February 1845.
119. PILOT, 10 February 1845.
120. IBID.
121. MONTREAL GAZETTE, 8 February 1845.
122. PILOT, 10 February 1845.
123. IBID.
124. MONTREAL GAZETTE, 8 February 1845.
125. PILOT, 10 February 1845.
126. MONTREAL GAZETTE, 8 February 1845.
127. PILOT, 10 February 1845.
128. MONTREAL GAZETTE, 8 February 1845.
129. IBID.
130. IBID.
131. PILOT, 10 February 1845.
132. MONTREAL GAZETTE, 8 February 1845.
133. PILOT, 10 February 1845.
134. MONTREAL GAZETTE, 8 February 1845.
135. PILOT, 10 February 1845.
136. MONTREAL GAZETTE, 8 February 1845.
137. PILOT, 10 February 1845.
138. MONTREAL GAZETTE, 8 February 1845.
139. PILOT, 10 February 1845.
140. According to the MONTREAL GAZETTE, 8 February 1845, the adjournment was at 12:30 P.M.

PROPER NAME INDEX

INTRODUCTION

The Index is limited to the names of the men who sat in the Canadian Assembly in 1844-45. It therefore excludes the names of all other persons, such as people mentioned in debates, witnesses testifying before the House in Committee of the Whole, or messengers such as Félix Fortier, Clerk of the Crown in Chancery, who at one time or another addressed the House from within the Bar. It also excludes the names of people merely mentioned in the House, such as those whose testimony before Select Committees was reported or referred to in the JOURNALS, and signatories to Petitions presented whose names are noted in connection with various kinds of legislation.

The decision to limit the proper name Index to members of the Assembly was made necessary by the fact that in 1844-45 the other names number in the thousands, so that their sheer bulk makes it impossible to include them. In addition, every piece of legislation or testimony with which these names are associated is always indexed under subject references. To summarize, the proper name Index refers to every occasion when a member proposed or seconded a motion or resolution, or brought up a petition; it refers to every speech he delivered during debates, and to every other time he addressed the House or took the chair of the House in Committee of the Whole. Only individual votes are excluded because divisions rightfully belong with the legislation they pertain to, and all legislation is included in the subject Index.

This Index refers only to Part I of Volume IV. At the end of Part II will be included, a cumulative proper name Index, followed by an Index of the subjects in Volume IV, Parts I and II together.

SECTION I: PROPER NAMES

A

Armstrong, David Morrison, 299, 581-582, 596, 711, 745, 982, 1175, 1349.
Aylwin, Thomas Cushing, 5, 9, 11f, 17, 18, 19, 21, 22, 23, 26, 39, 44, 45, 46, 47, 51, 52, 56, 60, 92, 95, 99, 110, 115, 128, 129, 130, 141, 147, 164, 164-165, 165-168, 168-169, 169-170, 170-172, 173, 174, 176, 177, 212, 213, 219, 235, 236, 237, 239, 240, 254, 264, 274, 275, 276, 277, 278, 296f, 297f, 300, 322, 328, 329, 355, 364, 374-375, 378, 379, 382, 390, 391-392, 394, 398, 403, 408, 411, 419, 465, 485, 490, 492, 494, 496, 498, 501, 501-502, 502-506, 528, 538, 539, 551, 556, 558, 565, 566, 568, 568-569, 569-570, 570, 570-571, 571, 572, 573, 574, 577, 578, 580, 581, 582, 583-584, 588, 591f, 596, 598, 600, 622, 623, 623-624, 624, 630, 700, 720-721, 721, 722-723, 726, 743, 758, 758-759, 759-760, 760, 760-761, 770, 773, 779, 802, 810, 817, 826, 827, 828, 900-901, 901, 905, 907, 910, 910-911, 911, 912, 913, 920, 921-923, 923, 923-924, 924, 924-925, 925, 926, 926-928, 948, 956, 958, 972, 974, 975, 975-976, 976, 983, 984, 997-998, 1001, 1006, 1006-1007, 1011, 1021, 1030-1031, 1032, 1038, 1043, 1045, 1046f, 1049, 1050, 1053, 1054, 1056-1057, 1057, 1058, 1059, 1060, 1064, 1066, 1067, 1071, 1072, 1075, 1092f, 1096, 1105, 1107, 1115, 1119, 1129, 1170, 1171, 1179, 1202, 1206f, 1214, 1220, 1221, 1222, 1238, 1238-1239, 1247, 1293, 1298, 1299, 1309, 1310-1311, 1311, 1311-1312, 1312, 1313, 1314, 1315, 1316, 1320f, 1341, 1341-1342, 1342, 1344.

B

Baldwin, Robert, 19, 21-22, 40, 41, 42, 52-53, 60, 73-74, 74-75, 75-77, 77-79, 79, 79-82, 82, 82-83, 83, 84, 84-85, 85, 115, 152, 162, 203-204, 204-205, 205, 206, 207, 212, 212-213, 238, 245, 255, 256, 257, 273, 276, 281, 294, 301, 322, 328, 329, 345, 351, 376, 378, 397, 402, 408, 409, 462, 492, 510-512, 550, 555, 556, 557, 567, 575-576, 577, 598, 599, 627, 627-629, 629, 701, 702-703, 703, 731, 732, 755-758, 765, 770, 778, 793, 795, 803, 810, 812, 826, 830, 954-955, 960, 982, 996, 1002-1003, 1009, 1022, 1024, 1030, 1031, 1033, 1035, 1040, 1043-1044, 1057, 1067-1068, 1072, 1115, 1116, 1117, 1118, 1129, 1147, 1150, 1152-1153, 1155, 1168, 1175, 1193, 1194, 1208, 1220, 1233-1234, 1249, 1259, 1261, 1262, 1263, 1272, 1292, 1297, 1305, 1305-1306, 1306, 1312, 1313, 1332, 1333, 1334, 1335, 1336, 1336-1337, 1342-1343, 1343-1344, 1344, 1356f.

Berthelot, Amable, 363, 420, 528, 1010.

Bertrand, Louis, 60, 254, 495, 702-703, 1106.

Boulton, William Henry, 20, 50, 110, 152, 264, 321, 341, 342, 343, 352, 355, 358, 372, 376, 377, 408, 411, 417, 460, 519, 525, 528, 551, 555, 556, 557, 561, 564, 568, 569, 572, 575, 577, 599, 734, 776, 804, 812, 812-813, 813, 814, 816, 819-820, 820, 823, 825, 826, 1072-1073, 1073, 1095, 1121, 1122, 1124, 1139, 1142-1143, 1153, 1155, 1166, 1189, 1208, 1212, 1215, 1218, 1220, 1221, 1262, 1337.

Bouthillier, Thomas, 50, 218, 264, 358, 380, 387, 713, 972.
Brooks, Samuel, 27, 110, 218, 255, 300, 551, 600, 770, 982, 1010, 1096,
1102-1103, 1105, 1129, 1141, 1293.

C

Cameron, Malcolm, 26, 43, 60, 66, 85, 86, 86-87, 110, 115, 120, 122, 124,
125, 126, 240, 247, 275, 291, 292, 299, 316, 348, 352, 358, 359,
374, 379, 387, 391, 394, 396, 408, 419, 484, 546-547, 547, 550, 620,
624, 625, 626, 629-630, 630, 711, 726, 728, 729, 751-752, 752, 754,
755, 764, 764-765, 765, 805, 823, 1009, 1010, 1011, 1013.
Cauchon, Joseph Edouard, 8, 12f, 26, 56, 242, 263, 275, 295f, 319, 751,
780, 804, 823, 830, 934, 935, 951, 1040, 1041, 1079, 1139, 1142, 1199,
1199-1200, 1203, 1205f, 1299, 1313, 1318f, 1320f.
Chabot, Jean, 27, 45, 51, 154, 218, 235, 237, 239, 240, 263, 300, 355,
363, 390, 408, 419, 483, 491, 494, 531, 539, 551, 710, 734, 743, 745,
1039, 1042, 1053, 1059, 1060, 1071.
Chalmers, George, 483, 598, 770, 774, 902, 982, 1049, 1096, 1129, 1323.
Chauveau, Pierre Joseph Olivier, 7, 54, 110, 147, 154, 192-193, 193-195,
195-196, 196-197, 197, 217, 316, 408, 484, 542, 543, 550, 702-703,
780, 803, 823, 960, 972, 1010, 1125, 1200, 1200-1202, 1205f, 1270,
1283, 1313.
Christie, Robert, 2, 4, 5, 19, 23, 40, 41, 44, 45, 51, 52, 56, 67, 114,
115, 117, 206, 212, 237, 240, 242, 254, 259, 263, 289, 290, 291, 300,
301, 311, 312, 315, 351, 353, 354, 358, 373, 375, 377, 379, 380, 389,
390, 408, 417, 419, 419-420, 420, 547, 572, 579, 580, 580-581, 581,
582, 583, 591f, 606, 606-607, 607, 620, 710, 725, 741, 748, 749, 777,
778, 780, 793, 794, 809-810, 811, 954, 958, 961, 977, 996, 1001, 1003,
1019, 1024, 1029, 1030, 1039, 1040, 1044, 1103-1104, 1124, 1137, 1145,
1146, 1152, 1163, 1168-1169, 1171, 1191, 1192, 1194, 1195, 1204f, 1244,
1270, 1271, 1275, 1279, 1283, 1331, 1338.
Colville, Eden, 56, 68, 71-73, 104f, 110, 195, 197, 198, 217, 263, 272,
274, 274-275, 300, 328, 387, 400, 417, 531, 543, 584, 607, 630, 778,
778-779, 825, 825-826, 948, 962, 982, 1045, 1054, 1072, 1073, 1167,
1168, 1260, 1323, 1342.
Cummings, James, 152, 254, 262, 491, 531, 549, 564, 588, 600, 709, 734,
804, 982, 988, 989, 990, 1244, 1277-1278, 1294, 1299.

D

Daly, Dominick, 83, 84, 162, 162-163, 297f, 346, 357, 420, 449, 451, 484,
515, 560, 586, 609, 610, 710, 724, 732, 781, 792, 831, 954, 962, 990,
1013, 1075, 1107-1108, 1143, 1179, 1181, 1186, 1223, 1283, 1308, 1323,
1340, 1355f.
DeBleury, Charles Clément Sabrevois, 17, 44, 147, 255, 264, 300, 312, 313,
315, 387, 409, 411, 417, 484, 535, 551, 770, 919, 983, 1060, 1066,
1077, 1141, 1145-1146, 1146, 1151, 1151-1152, 1165, 1311, 1312, 1313.
Desaulniers, François, 711, 900-901, 948, 1209.

DeWitt, Jacob, 67, 117, 152, 218, 262, 300, 311, 372, 377, 389, 399, 543, 567, 568, 620, 720, 734, 793, 826, 958, 961, 996, 1008, 1072, 1129, 1137, 1144, 1145, 1271, 1279, 1281, 1288, 1300.

Dickson, Walter Hamilton, 192, 254, 289, 300, 301, 352, 364, 374, 393, 394, 531, 585, 702-703, 705-706, 731, 734, 900-901, 1013, 1101-1102, 1105, 1105-1106, 1153, 1198, 1331, 1338.

Draper, William Henry.

Drummond, Lewis Thomas, 191-192, 217, 263, 408, 514, 585, 722, 723, 810, 822, 823, 948, 1019, 1073, 1074, 1075, 1141, 1347-1348, 1351.

Duggan, George R., 10, 55, 113, 139-140, 239, 275, 300, 329, 342, 355, 356, 417, 483, 501, 506-507, 515, 538, 539, 551, 577, 585, 598, 733, 755, 760, 764, 773, 809, 811, 822, 825, 840, 906, 952, 983, 1008, 1013, 1014, 1015, 1041, 1042, 1045, 1047f, 1073, 1118-1119, 1124, 1140, 1146, 1147, 1191, 1236, 1250, 1297, 1307, 1336.

Dunlop, William, 5, 26, 46, 51, 71, 74, 97-99, 99, 100-101, 101-103, 115, 165, 169, 202, 213, 279-281, 288, 297f, 301, 313-314, 353, 373, 375, 382, 393, 398, 402-403, 409, 411, 460, 461, 462, 489, 490, 493, 520, 542, 543, 555, 557-558, 561, 566, 606, 607, 619, 626-627, 710, 734, 741, 762, 795, 796, 802, 805, 812, 813, 813-814, 814, 814-816, 816, 817, 817-818, 820, 822, 825, 826, 827, 831, 906-907, 907, 911, 948, 954, 962, 973-974, 983, 996, 998, 1022, 1034-1035, 1039, 1063, 1070, 1072, 1095, 1119, 1130, 1133-1134, 1139, 1139-1140, 1140, 1142, 1149, 1153, 1155, 1166, 1169-1170, 1170, 1194, 1197, 1214, 1215, 1217, 1219-1220, 1221, 1232, 1249, 1256, 1258, 1262, 1263, 1271, 1293, 1297, 1331, 1333, 1336, 1337, 1344, 1344-1345.

E

Ermatinger, Edward, 6, 6-7, 485, 514, 531, 565, 711, 733, 771, 983, 1187, 1222, 1223, 1233, 1293.

F

Foster, Stephen Sewell, 42, 217, 254, 299, 363, 378, 387, 399, 549, 731, 1049, 1137, 1221, 1248, 1251, 1280.

Franchère, Timothée, 493.

G

Gowan, Ogle Robert, 4, 20, 23, 26, 37, 43, 103, 119-120, 120, 120-122, 122-124, 124, 124-125, 125-126, 126, 127, 127-128, 128, 129, 129-130, 130, 130-131, 131, 132, 133, 146, 152, 160, 161, 205, 211, 212, 218, 235, 236, 240, 241, 248, 255, 271, 273-274, 274, 387, 293, 317-318, 318, 341-342, 350, 350-351, 351, 352, 373, 375, 378, 381, 382-383, 387, 391, 392, 393, 399, 401, 461, 508-509, 536, 539, 551, 560, 561, 575, 585, 596, 600, 619, 620, 626, 630, 747, 753-754, 754, 763, 765, 794-795, 795, 828-830, 909, 910, 911, 912, 913, 914-918, 919, 920, 921, 923, 924, 925, 926, 939, 948, 952, 1012, 1020, 1030, 1031, 1039, 1043,

1044, 1045, 1063, 1063-1064, 1064, 1064-1065, 1065, 1065-1066, 1066, 1070, 1096, 1104, 1116, 1137, 1141, 1149, 1156, 1172, 1179, 1188, 1188, 1192, 1192-1193, 1222, 1223, 1228-1229, 1229-1231, 1249, 1249-1250, 1270, 1335, 1350-1351, 1351.
Grieve, Edward, 51, 67, 146, 211, 219, 235, 241, 254, 263, 287, 289, 293, 300, 329, 364, 391, 411, 531, 706, 731, 802, 909, 951, 1096, 1160, 1162, 1332.
Guillet, Louis, 710.

H

Hale, Edward, 17-18, 18, 20, 26, 82, 147, 154, 156, 254, 371, 372, 381-382, 528, 720, 721, 731, 762-763, 771, 822, 959, 961, 995-996, 1005-1006, 1006, 1007-1008, 1009, 1010, 1019, 1050, 1096, 1133, 1150, 1154, 1179, 1214, 1221, 1223, 1246, 1292, 1301, 1304, 1313, 1314.
Hall, George Barker, 254, 263, 341, 711, 731, 1019, 1119, 1166, 1195, 1223, 1270, 1294.
Harrison, Samuel Bealey.

J

Jessup, Hamilton Dibble, 387, 411, 703, 770, 983, 1191.
Jobin, André, 26, 217, 236, 254, 262, 312, 346, 531, 908.
Johnston, James, 4-5, 5, 17, 18, 19, 22, 23, 46, 115, 117, 172, 172-173, 236, 248, 273, 292, 293, 313, 316, 322, 345, 351-352, 373, 373-374, 375, 381, 402, 409, 493, 507-508, 542, 547, 555, 557, 559, 623, 627, 725, 732, 734, 752, 764, 911, 912, 934, 935, 955, 974, 978f, 982, 1009, 1031, 1042, 1059, 1073, 1078, 1096, 1118, 1140, 1142, 1154, 1155, 1169, 1195-1196, 1196, 1198, 1203, 1215, 1217, 1223, 1228, 1261, 1271, 1290, 1292, 1295, 1297, 1308, 1309, 1310, 1315, 1317, 1335, 1337, 1345.

L

Lacoste, Louis, 254, 262, 299, 420, 483, 493, 531, 702-703, 719-720, 779, 802, 900-901, 908, 948, 1163.
LaFontaine, Louis Hippolyte, 20, 54, 115, 147, 180-183, 183-191, 237, 239, 248, 249, 264, 272, 274, 277, 295f, 299, 301, 315, 316, 322, 323, 376, 392, 395, 400, 405f, 417, 488, 535, 542, 546, 556-557, 564, 575, 576, 578, 583, 599, 620, 743, 772, 773, 780, 794, 796, 810, 826, 830, 913, 918-919, 919, 920, 921, 938, 941f, 943f, 952, 959, 976-977, 998-1000, 1008, 1022, 1040, 1050, 1054, 1060, 1061, 1061-1063, 1063, 1064, 1065, 1066, 1070, 1081f, 1141, 1158, 1173f, 1203, 1206f, 1222, 1223, 1235, 1247, 1262, 1288, 1292, 1298, 1308, 1309-1310, 1312, 1313, 1314-1315, 1315, 1316, 1328, 1332, 1338, 1338-1339, 1342.
Lantier, Jacques Philippe, 20, 51, 56, 110, 346, 380, 483, 598, 702-703, 705-706, 710, 732, 733, 772, 773, 803, 830, 901, 908, 1010, 1018-

1019, 1019, 1049, 1095, 1130, 1162, 1164, 1175, 1258.
 Laterrière, Marc Pascal de Sales, 1129, 1270, 1332.
 Laurin, Joseph, 54, 363, 460, 492, 495, 528, 598, 600, 726, 740, 743,
 779-780, 827, 831, 908, 1143, 1144, 1164, 1253, 1258, 1260, 1282.
 Lawrason, Lawrence, 290, 363, 374, 464, 528, 551, 600, 710, 770, 804,
 906-907, 983, 1009-1010, 1011, 1044, 1104, 1141.
 LeBoutillier, John, 593, 731, 961, 1079, 1104.
 LeMoine, Benjamin Henry, 299, 484, 531, 599, 802, 804, 972, 975, 977,
 1072, 1075, 1323.
 Leslie, James, 26, 152, 217, 312, 317, 395, 770, 1005, 1010, 1049.

M

Macdonald, John Alexander, 27, 110, 217, 329, 512-513, 513, 528, 734,
 802, 805, 900-901, 928-931, 938, 948, 973, 1019, 1066, 1068, 1148,
 1198, 1236-1237, 1238, 1293, 1295.
 Macdonald, John Sandfield, 140-141, 207, 311, 312, 358, 380, 705-706,
 972-973, 1197, 1252-1253, 1259, 1305, 1307.
 Macdonald, Rolland, 7, 8, 12f, 26, 46, 60, 68, 70-71, 71, 110, 212, 232,
 244, 277, 278, 279, 311, 345, 363, 374, 382, 400, 464, 492, 550,
 565, 596, 711, 802, 804, 809, 810, 932, 933, 933-934, 953, 956, 1013,
 1020, 1054, 1068, 1124, 1130, 1141, 1147, 1153, 1156, 1157, 1228,
 1237-1238, 1259, 1260, 1279, 1307, 1322f, 1323.
 Macdonell, Donald Aeneas, 22, 43, 53, 146, 147, 281, 348, 349, 376, 409,
 564, 734, 799, 800, 1014, 1049, 1141, 1245.
 Macdonell, George, 235, 288, 294, 296f, 300, 323, 329, 364, 373, 377,
 380, 380-381, 382, 383, 398, 418, 492, 509-510, 515, 528, 558-559,
 587, 598, 605-606, 606, 705-706, 731, 750, 812, 827-828, 828, 902,
 931, 931-932, 971, 977, 1014, 1040-1041, 1068, 1078, 1095, 1140,
 1148, 1149, 1154, 1165, 1166, 1175, 1195, 1196, 1209, 1213, 1216,
 1216-1217, 1223, 1251, 1279, 1299-1300, 1304, 1306, 1307, 1345-1346,
 1348.
 MacNab, Allan Napier, 9, 13, 13-14, 14, 18, 41, 50, 54, 55, 101, 198,
 213, 219, 253, 261, 275, 275-276, 277, 279, 291, 301, 315, 323, 339,
 348, 354, 356, 357, 359, 363, 369, 374, 392, 399, 408, 409-410, 411,
 416, 420, 459, 462, 463, 467, 481, 496, 508, 514, 525, 527, 529, 530,
 543, 547, 559, 564, 575, 593, 594, 595, 609, 622, 623, 634, 699, 700,
 701, 703, 704, 706, 706-707, 708, 723, 728, 729, 747, 749, 754, 773,
 781, 799, 800, 802, 826, 830, 845, 899, 911, 912, 956, 979f, 981,
 1010, 1011, 1012, 1018, 1021, 1031, 1035, 1036, 1038, 1041, 1059,
 1060, 1075, 1077, 1094, 1108, 1119, 1122, 1129, 1142, 1144, 1145,
 1146, 1147, 1148, 1151, 1155, 1156, 1157, 1160, 1162, 1168, 1170,
 1172, 1181, 1192, 1194, 1198, 1216, 1219, 1223, 1244, 1251, 1263,
 1264, 1278, 1281, 1282, 1283, 1304, 1307, 1312, 1313, 1315, 1316,
 1323, 1337.
 McConnell, John, 110, 156, 217, 240, 255, 262, 299, 483, 598, 702-703,
 731, 778, 802, 900-901, 948, 1140-1141, 1233, 1243f, 1270.

Merritt, William Hamilton, 549, 561, 585, 594, 600, 620, 765, 780, 810, 821, 821-822, 952, 955, 959, 983, 1003, 1009, 1023, 1044, 1118, 1150, 1214, 1221, 1222-1223, 1232-1233, 1250, 1250-1251, 1251, 1302, 1302-1303, 1306, 1333, 1337, 1350.

Méthot, Antoine Prospère, 329, 379, 600, 705-706, 770, 802, 951, 953, 983-984, 1164, 1198, 1327.

Meyers, Adam Henry, 39, 110, 217, 237, 256, 351, 418, 528, 549, 818-819, 982, 989-990, 1077, 1130, 1141, 1142, 1198, 1208, 1234, 1244, 1293, 1295, 1323, 1335-1336.

Moffatt, George, 20, 51, 53, 55, 115-116, 152, 218, 239, 247, 254, 263, 288, 291, 300, 329, 279, 401, 409, 411, 484, 540, 541-542, 546, 547, 550, 556, 564, 564-565, 566, 567, 584-585, 620, 622, 623, 624, 626, 723, 727f, 740, 743, 793, 804, 824, 902, 907, 948, 955, 959-960, 961, 972, 974, 1001, 1009, 1015, 1019, 1039, 1043, 1060, 1095, 1118, 1130, 1141, 1143, 1144, 1148, 1149, 1150, 1162, 1164, 1179, 1191, 1192, 1212, 1244, 1260, 1258f, 1270, 1279, 1310, 1311, 1332, 1335, 1337, 1338, 1340-1341, 1341, 1345.

Monro, George.

Morin, Augustin Norbert, 50, 54-55, 145-146, 163, 213, 218, 248, 263, 274, 295f, 299, 315, 340, 417, 484, 491, 559, 593, 600, 620, 625, 710, 731, 732, 746, 755, 770, 771, 777, 802, 903, 904, 933, 1020, 1038, 1040, 1055, 1096, 1138, 1179, 1186-1187, 1210, 1259-1260, 1295.

Murney, Edmund, 103, 218, 242, 256, 277, 409, 599, 706, 733, 802, 1166, 1208, 1249, 1261, 1334, 1334-1335, 1336, 1346.

N

Nelson, Wolfred, 50, 163, 197-198, 198, 198-202, 202, 202-203, 288, 409, 585, 599, 780, 830, 907.

P

Papineau, Denis Benjamin, 141, 141-145, 163, 263, 297f, 299, 356, 357, 417, 520, 529, 540, 544, 545, 598, 599, 706, 709, 1253, 1256, 1297, 1309, 1323, 1333.

Petrie, Archibald, 483, 740, 1035, 1036, 1139, 1157, 1171, 1172, 1246.

Powell, Israel Wood, 20, 56, 67, 344, 484, 600, 707, 1031, 1101, 1103, 1129, 1153, 1163, 1278, 1324.

Price, James Hervey, 19, 23, 43, 47, 110, 131-132, 132-133, 133-135, 135-138, 138, 138-139, 206, 218, 238, 244, 244-245, 245, 256, 257, 294, 329, 353, 404, 564, 568, 578, 598, 599, 706, 726, 733, 764, 804, 827, 830, 960, 982, 1009, 1011, 1014, 1024, 1031, 1095, 1163, 1175, 1195, 1199, 1215, 1225, 1228, 1260, 1261, 1262, 1271.

Prince, John, 2, 2-4, 19, 22, 27, 43, 46, 60, 146, 262, 279, 294, 300, 339, 345, 349-350, 358, 375, 376, 379, 409, 462, 483, 484, 542, 543, 544, 546, 550, 550-551, 557, 559, 565, 572, 572-573, 576, 577, 588, 600, 705-706, 747, 752-753, 771, 772, 773, 777, 796, 805, 807, 809, 811, 901, 906, 907, 935, 935-937, 974, 994-995, 1000-1001, 1016f,

1022, 1039, 1043, 1068-1069, 1074, 1079, 1101, 1102, 1106, 1115, 1124, 1130, 1149, 1153, 1175, 1196-1197, 1217-1218, 1231-1232, 1245, 1249, 1258, 1294-1295, 1297, 1303-1304, 1312, 1315, 1316, 1333-1334, 1337, 1348.

R

Riddell, Robert, 67, 152, 237, 258, 263, 350, 351, 383, 543, 564, 634, 668, 720, 794-795, 812, 1070, 1095.
Robinson, William Benjamin, 26, 44, 50, 103, 110, 115, 204, 217, 247, 257, 263, 290, 292, 329, 342, 343, 387, 393, 460, 483, 519, 953, 1018, 1043, 1045, 1096, 1115, 1116, 1125, 1141, 1155, 1156, 1165, 1208, 1222, 1244, 1262, 1263, 1264, 1343, 1346-1347.
Roblin, John P., 44, 66, 156, 217, 240, 245, 247-248, 292, 293, 352-353, 357, 363, 388, 396, 408, 411, 419, 462, 463, 550, 559, 576, 702-703, 763, 902, 934, 953, 983, 1045, 1068, 1074, 1102, 1197, 1205f, 1225, 1226-1227, 1234, 1235, 1250, 1261, 1270, 1301, 1303, 1324, 1335, 1336, 1351-1352.
Rousseau, Léon, 218, 387, 908.

S

Scott, William Henry, 2, 5-6, 6, 8, 20, 21, 50, 51, 54, 115, 203, 212, 217, 236, 255, 262, 288, 299, 328, 377, 409, 418, 515, 528, 776, 780, 902, 905, 971, 1104, 1148, 1150, 1221, 1222.
Seymour, Benjamin, 27, 60, 256, 292, 394, 400, 483, 702-703, 710, 802, 900-901, 983, 1020, 1236, 1248, 1292, 1293.
Sherwood, George, 110, 152, 219, 341, 354?, 394, 396-397, 702-703, 710, 731, 740, 770, 950-951, 982, 1029, 1030, 1034, 1035, 1041, 1047f, 1145, 1165, 1191, 1208, 1222-1223, 1248, 1250, 1281.
Sherwood, Henry, 20, 22, 23, 26, 45-46, 47, 87-92, 92, 92-95, 95-97, 114-115, 135, 168, 198, 213, 218, 235, 238, 245, 246, 254, 257, 264, 276, 276-277, 277, 278-279, 291, 292, 299, 301, 314-315, 318-319, 319, 319-320, 321, 322, 329, 342, 344, 345-346, 352, 354?, 355, 361f, 364, 372, 379, 382, 387, 394, 398, 401-402, 404, 406f, 408, 409, 417, 462, 463, 483, 495-496, 496, 496-498, 498, 498-501, 501, 502, 515, 528, 535-536, 549, 555, 556, 561, 570, 571, 573, 573-574, 574-575, 575, 576, 577, 577-578, 599, 710, 720, 722, 727f, 731, 732, 733, 740, 761-762, 763, 770, 772-773, 773, 809, 820-821, 824, 824-825, 826, 845, 892, 900-901, 901, 910, 919, 948, 955, 956, 957, 959, 961, 975, 994, 995, 1001, 1001-1002, 1008, 1014, 1019, 1030, 1035-1036, 1038, 1039, 1039-1040, 1041, 1044, 1066-1067, 1067, 1073, 1074, 1075, 1096, 1101, 1105, 1117, 1118, 1119, 1140, 1147, 1150-1151, 1152, 1153, 1159f, 1169, 1170, 1218, 1223, 1228, 1242f, 1249, 1251, 1252, 1253, 1260, 1261, 1268f, 1292, 1296-1297, 1297, 1301, 1302, 1303, 1304-1305, 1306, 1306-1307, 1334, 1335, 1337, 1349-1350, 1355f.
Small, James Edward, 159-160, 160-161, 161-162, 219, 317, 318, 319, 320-321, 321, 322-323, 341, 372, 379, 513, 514, 525, 526, 630, 1215, 1217, 1218-1219, 1219, 1236, 1265, 1335, 1336.

Smith, Harmanus, 218, 353?, 549, 564, 703, 706, 734, 982, 1020, 1021, 1103, 1270, 1293.
Smith, Henry, 17, 23, 42, 44, 53, 155, 234-235, 245, 246, 247, 249, 264, 272, 275, 291, 295f, 328, 348-349, 349, 361f, 402, 489, 513, 535, 542, 543, 551, 702-703, 721, 748, 778, 803, 804, 948, 952, 983, 1019, 1115-1116, 1141, 1192, 1194, 1215, 1228, 1249, 1270, 1334, 1335, 1336.
Smith, James, 2, 9, 10, 14, 17, 19, 20, 20-21, 22, 42, 44, 52, 54, 57, 113, 114, 173, 173-174, 174, 174-176, 176-177, 177, 177-180, 183, 212, 213, 218, 234, 236, 238, 242, 242-243, 243, 243-244, 244, 245, 246, 246-247, 247, 248-249, 258, 259, 264, 272, 294, 300, 316, 316-317, 317, 351, 353, 356, 357, 359, 377, 380, 381, 389, 400, 401, 404, 406f, 409, 411, 417, 488, 494, 515, 520, 528, 529, 531, 544, 545, 546, 547, 567, 576, 580, 582, 582-583, 588, 593, 598, 599, 625, 625-626, 626, 627, 630, 722, 723, 723-724, 724, 725, 726, 732, 741, 754-755, 758, 772, 773, 794, 796, 951-952, 953-954, 955, 956-957, 957, 958, 960, 972, 974, 994, 1000, 1020, 1021, 1032-1033, 1034, 1035, 1045, 1046f, 1057, 1058, 1096, 1117, 1117-1118, 1118, 1143, 1148-1149, 1150, 1150-1151, 1151, 1169, 1171, 1191-1192, 1194, 1195, 1199, 1202, 1205f, 1206f, 1208, 1220-1221, 1222, 1246, 1247, 1251, 1252, 1256, 1265, 1295, 1296, 1299, 1307, 1308, 1315, 1316, 1323, 1333, 1338, 1339, 1340.
Stewart, Neil, 900.
Stewart, William, 56, 155, 256, 1096, 1332.

T

Taché, Etienne Paschal, 26, 50, 317, 387, 528, 536, 598, 747, 830, 900-901, 901, 1079, 1096, 1106, 1125, 1143, 1292.
Taschereau, Pierre Elzéar, 733, 951, 1032, 1221.
Thompson, David, 57, 243, 254, 257, 311, 328, 354, 364, 400, 400-401, 401, 404, 484, 551, 620, 701, 720, 741, 950, 952, 957, 1013, 1014, 1034, 1101, 1121, 1133, 1152, 1167, 1168, 1191, 1214, 1223, 1278.

W

Watts, Robert Nugent, 26, 203, 709-710, 731, 795, 802, 948, 1194, 1209, 1270, 1275, 1278, 1340.
Webster, James, 212, 213, 289, 290, 374, 467, 474, 549, 774, 982.
Williams, John Tucker, 23, 38-39, 39, 140, 282, 403-404, 418, 483, 510, 538, 549, 587, 598, 709-710, 732, 733, 773, 822-823, 900-901, 934, 989-990, 990, 1019, 1044-1045, 1068, 1146, 1148, 1150, 1157, 1213, 1239, 1250, 1261-1262, 1263, 1270, 1272, 1337.
Woods, Joseph.



3 1761 11465200 1